

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(211)

CWP No. 25952 of 2016 (O&M)
Date of Decision : 09.03.2022

Santosh Sharma (since deceased) through her L.R.

...Petitioner

Versus

State of Punjab and others

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Hoshiar Singh, Advocate for
Mr. Sanjeev Sharma, Advocate for the petitioner.

Mr. Kannan Malik, Assistant Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

CM-3430-CWP-2019

Present application has been filed for impleading Yogeshwar Dayal Sharma, legal representative of the petitioner, who unfortunately died on 08.02.2019, during the pendency of the writ petition.

Notice of the application to learned counsel for the respondents.

Mr. Kannan Malik, learned Assistant Advocate General, Punjab, who has joined the proceedings through video conference, accepts notice on behalf of the respondent-State. He raises no objection for the grant of prayer as raised in the present application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, present application is allowed. Yogeshwar Dayal Sharma i.e. the husband of the petitioner, is allowed to be impleaded in the present writ petition and the amended memo of parties attached with the present application is taken on record.

CM stands allowed.

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Learned counsel for the petitioner submits that in the present case, the prayer of the petitioner is for the grant of the pensionary benefit in respect of the service, which the petitioner had undertaken with the respondent-department by undertaking the calculations after taking into consideration the Dearness Allowances @ 119%. Learned counsel submits that though, in the reply, the respondent-State has mentioned that the benefits for which the petitioner was found entitled, have already been given but, according to the petitioner, all the benefits have not been extended hence, though the present petition is not pressed any further but petitioner be allowed to approach the respondents by way of a representation giving the details of the benefits, which have not been given to the petitioner despite her eligibility. Learned counsel further submits that as unfortunately, the petitioner has passed away during the pendency of the present petition, let the legal heir of the petitioner submit the said representation.

Learned State counsel submits that in case, any representation is filed by the legal heir of the petitioner raising any claim beyond the claim already extended, the said claim so raised in the representation will be taken

into account and appropriate order will be passed within a period of eight weeks of the receipt of the representation and in case, the petitioner is found entitled for any relief, the same will further be released to her legal heirs within a period of four weeks thereafter.

Learned counsel for the petitioner submits that keeping in view the above statement of learned State counsel, the present petition may kindly be disposed of having been not pressed any further with liberty prayed for.

Ordered accordingly.

March 09, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No