

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(175)

CWP-19929-2022

Date of Decision : September 05, 2022

Amarjit Kaur

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amit Kaith, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that the late husband of the petitioner namely Tara Singh was working with the respondents and while in service, he met with an accident in the year 2003 after which, the services of the late husband of the petitioner were terminated by the respondents on medical grounds, which action was challenged by the late husband of the petitioner by filing CWP No.8261 of 2008, which writ petition was decided on 30.10.2009 wherein, termination of the services of the late husband of the petitioner was held to be bad keeping in view the provisions of The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. A direction was given by this Court that the late husband of the petitioner be reinstated in service and be also released the entire salary due to him. Learned counsel for the

petitioner submits that thereafter State filed an LPA being LPA No. 408 of 2010 which was dismissed on 01.07.2015 but the benefit of salary upto the death of the husband of the petitioner has not been given, which is being claimed in the present petition.

Learned counsel for the petitioner further submits that once a direction was given by this Court to give the salary to the late husband of the petitioner, the same has to be extended till his death and period in question cannot be treated as leave of kind due keeping in view the provisions of 1995 Act.

Learned counsel for the petitioner further submits that the petitioner has already raised the said grievance before the respondents by serving upon them a legal notice dated 19.09.2019 (Annexure P-6) and thereafter a reminder was also given to the respondents on 13.06.2022 (Annexure P-7), which are still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to respondent No.2 to decide the same by passing an appropriate speaking order.

Notice of motion.

Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondents.

Learned counsel for the respondents raises no objection in deciding the legal notice and reminder of the petitioner in a time bound manner by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by her in the legal notice dated 19.09.2019 (Annexure P-6) as well as reminder dated

13.06.2022 (Annexure P-7), the present writ petition is disposed of with a direction to respondent No.2 to decide the legal notice dated 19.09.2019 (Annexure P-6) as well as reminder dated 13.06.2022 (Annexure P-7) within a period of eight weeks from the receipt of copy of this order.

In case, it is found that the petitioner is entitled for the monetary benefits after the decision of the legal notice as well as reminder, the same should also be paid to the petitioner within four weeks thereafter.

September 05, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No