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

CWP No.1321 of 2021 (O&M)

Date of Decision: 10.01.2023

GAINDER DEVI

.....Petitioner

Vs

**THE KAITHAL CENTRAL CO-OPERATIVE BANK LTD. AND
ANR**

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Naveen Daryal, Advocate
for the petitioner.

Mr. Sachin Gupta, Advocate
for the respondent No.1.

None for the respondent No.2.

RAJ MOHAN SINGH, J.(Oral)

The petitioner has filed the present petition for the issuance of an appropriate writ in the nature of mandamus directing the respondents to release the family pensionary benefits/retiral benefits of her husband, who died on 24.02.2002.

Learned counsel for the petitioner submits that the petitioner being the widow is entitled for family pensionary benefits such as gratuity, leave encashment and other benefits under the Rules along with interest from the date of accrual of benefits till final realisation of the amount.

Notice of motion was issued on 21.01.2021, but till date no reply has been filed despite numerous adjournments.

Learned counsel for the respondent No.1 pleads no instructions on behalf of the respondent No.1. The respondent No.2 has been properly served and despite service, none has appeared on its behalf. It is so recorded in the order dated 08.04.2022.

In view of aforesaid facts, the defence of the respondents is struck off. The pleadings of the petitioner have gone unrebutted.

In view of above, this writ petition is disposed of with a direction to the respondents to consider the family pensionary benefits/retiral benefits of the petitioner after the demise of her husband on 24.02.2002 as per Rules. If the petitioner is found entitled to the claim, then the same be released in favour of the petitioner along with interest @ 12% per annum from the date of accrual till final realisation of the amount.

Let the needful in the aforesaid context be done within a period of two months from the date of receipt of certified copy of this order.

January 10, 2023

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No