

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

**CWP No.6194 of 2023
Date of Decision:24.03.2023**

Ashe

....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Peeush Gagneja, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of *mandamus* directing the respondents to release the remaining amount of service-cum-death dues of the deceased husband of petitioner alongwith interest on delayed period @ 18% per annum with a further prayer for considering the claim of the petitioner for grant of compassionate appointment.

Learned counsel for the petitioner has submitted that the husband of the petitioner had died in the year 2011 and the petitioner had been perusing with the respondent-department for the purpose of grant of retiral/pensionary benefits but no action has been taken in this regard nor any benefit has been granted to the petitioner who is a widow. He submitted that the petitioner has served a legal notice through counsel vide Annexure P-5 dated 11.11.2020 but neither the legal notice has

been decided nor any action has been taken by the respondent. He submitted that therefore he confines the scope of the present petition at this stage only to the extent that necessary directions be issued to the respondent No.4/competent authority to consider and decide the legal notice issued by the petitioner vide Annexure P-5 within a time bound frame work.

Notice of motion.

Ms. Ambika Bedi, learned AAG, Punjab accepts notice on behalf of the respondent-State of Punjab and states that she has no objection in case directions are issued for deciding legal notice dated 11.11.2020 (Annexure P-5) in accordance with law.

In view of the aforesaid position whereby the learned counsel for the petitioner has confined the scope of the present petition at this stage only for the purpose of seeking directions for deciding legal notice, this Court deems it fit and proper to dispose of the present petition at this stage. Therefore, without observing anything on the merits of the case, respondent No.4/competent authority is directed to consider and decide the legal notice dated 11.11.2022 (Annexure P-5) strictly in accordance with law by passing a speaking order within a period of four months from today.

Needless to say that in case the petitioner is found to be entitled for the benefits claimed by her, then the same shall be released to the petitioner within next two months alongwith interest @ 6% per annum and in case the petitioner is not found to be entitled for any reason under the law, then a well-reasoned speaking order shall be passed strictly in

accordance with law which shall be communicated to the petitioner.

The present petition stands disposed of accordingly.

(JASGURPREET SINGH PURI)
JUDGE

March 24, 2023

rakesh

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