

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

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CWP No.6518 of 2023

Date of decision: 28.03.2023

RENU

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Sonia G. Singh, Advocate
for the petitioner.

RAJ MOHAN SINGH , J.(ORAL)

The petitioner has preferred this writ petition for the issuance of an appropriate writ in the nature of mandamus directing the respondents to release the pensionary benefits of deceased husband of the petitioner i.e. GPF, Ex-gratia compensation, gratuity and leave encashment and arrears thereof on revision of salary w.e.f. due date.

Learned counsel for the petitioner submits that the husband of the petitioner was serving as a Sweeper with the respondent-Municipal Corporation, Samalkha. He was regular employee of the respondent-Corporation. He had served the respondent-Corporation for more than 17 years. Marriage of the petitioner was solemnized on 06.11.2016 and a daughter took

birth out of this wedlock. It was second marriage of the couple i.e. husband of the petitioner was earlier married and a son and a daughter took birth from the said wedlock. The first wife of the husband died. At that time, petitioner was a divorcee and had one daughter from her first marriage. Daughter of the petitioner was duly adopted by the deceased husband of the petitioner. At the time of marriage, one more daughter took birth from this wedlock and as of now petitioner has two daughters namely Komal and Shikha. During lifetime of the husband of the petitioner, he had represented to the respondent-Corporation for change of nominee in the record of the Municipal Corporation in favour of the petitioner but unfortunately the husband of the petitioner died on 12.09.2021 and needful in the context of change of nominee could not be incorporated in the Municipal service record. After the demise of the husband of the petitioner, the petitioner represented to the respondents for release of death cum retiral benefits of the deceased husband of the petitioner. Till date, no response has been received despite serving legal notices dated 07.02.2022 and 05.01.2023 upon the respondents by the petitioner.

At this stage, learned counsel for the petitioner submits that the petitioner would be satisfied in case her legal notice dated 05.01.2023 served upon the respondent No.4

is ordered to be decided in accordance with law within a reasonable time.

In view of the nature of order which this Court proposes to pass, there is no need to call upon the respondent No.4 at this stage, since no order pre-judicial to the interest of anyone is being passed, therefore this writ petition is disposed of at this stage by directing the respondent No.4 to take note of pending legal notice of the petitioner dated 05.01.2023 and pass an appropriate order in accordance with law preferably within a period of two months from the date of receipt of certified copy of this order.

28.03.2023

P.Bhatt

**(RAJ MOHAN SINGH)
JUDGE**

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No