

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

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CWP-10808-2023

Date of decision:18.05.2023

Darshana

... Petitioner

Vs.

State of Punjab & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

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

Ms. Akshita Chauhan, DAG, Punjab.

...

SUKHVINDER KAUR, J.

The instant petition has been filed under Articles 226/227 of the Constitution of India seeking a writ of mandamus directing the respondents to release the entire retiral dues including monthly family pension, gratuity, leave encashment, GPF, arrears, ACP arrears and other retiral benefits of the deceased husband of the petitioner, forthwith to the petitioner. A further prayer has also been made to direct the respondents to pay the interest at the rate of 18% per annum to the petitioner as well as the interest on the delayed payments from the date of accrual till the date of actual payment.

Learned counsel for the petitioner has contended that Labha, husband of the petitioner was appointed with the respondent-department on 01.06.1985 as Sweeper and was posted at the office of respondent No.3. After putting in 37 years of service, the petitioner retired from service on 30.09.2021 on attaining the age of superannuation. He had expired on 13.12.2021. Till date except the amount of Rs.3,00,000/-, nothing on account of other retiral benefits has been given. Even the pension of

husband of the petitioner, was not released at the relevant time and now the family pension is not being released without any rhyme and reason. He has further argued that husband of the petitioner had performed his services with due honesty and sincerity and to the entire satisfaction of his superiors and through-out his 37 years of service, no complaint whatsoever was filed against him. Husband of the petitioner had submitted all the necessary documents to the respondents for preparation of his pension case before his retirement for timely payment of his retiral dues. He has contended that withholding of the retiral benefits and pension of the petitioner is wholly illegal and arbitrary. He has also contended that when no heed was paid to the various requests made by the petitioner, then the legal notice dated 22.04.2023 (Annexure P-1) was also served upon the respondents seeking release of entire benefits along with interest to the petitioner, but to no avail.

In view of the aforesaid factual position and without observing anything on the merits of the case, this Court deems it appropriate to dispose of the present writ petition at this stage, with a direction to the respondent/authorities to consider and decide the legal notice dated 22.04.2023 (Annexure P-1) strictly in accordance with law by passing a speaking order within a period of two months from the date of receipt of a certified 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, the same shall be paid to him within a period of six weeks thereafter.

Disposed of.

18.05.2023
monika

(SUKHVINDER KAUR)
JUDGE

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