

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

**CWP-14488-2022 (O&M)
Date of Decision: 10.04.2023**

Amarjit Kaur

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Gurpreet Singh, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to recalculate the salary of the late husband of the petitioner from 1996 onwards and for further issuance of directions to consequently recalculate arrears of salary, family pension and consequential benefits along with interest @ 18% per annum.

Learned counsel for the petitioner has submitted that the husband of the petitioner had died on 29.09.2009 while working as P.C.S. He further submitted that the increment of the salary of the husband of the petitioner had stopped since 1996 due to pendency of certain inquiries/cases although he was found innocent in all the inquiries/cases. As a result after the death of the husband of the petitioner, the pension has been calculated at a lower rate whereas comparatively much higher pension is being received

by his bachmates. He further submitted that a legal notice in this regard has been issued by the petitioner vide Annexure P-2 dated 25.03.2022. He also submitted that at this stage, the petitioner confines the scope of the present petition only to the extent that necessary direction may be issued to respondent No.1 to consider and decide the legal notice (Annexure P-2) issued by her in accordance with law and within a time bound manner.

Notice of motion.

Ms. Ambika Bedi, learned AAG, Punjab accepts notice on behalf of the respondents/State and states that she has no objection in case a direction is issued to respondent No.1 for considering and deciding the legal notice issued by the petitioner vide Annexure P-2 in accordance with law and within a time framework.

In view of the above and considering the limited prayer of the petitioner and without observing anything on the merits of the case, the present petition is disposed of with a direction to respondent No.1 to consider and decide the legal notice issued by the petitioner vide Annexure P-2 dated 25.03.2022 strictly in accordance with law by passing a well-reasoned speaking order within a period of three months from today.

Needless to say that in case the petitioner is found to be entitled for any benefit as prayed by her, then the same shall be released to her along with interest @ 6% p.a. within a period of two months thereafter.

10.04.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |