226

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

****

CWP-1520-2017
Date of Decision: 07.02.2023

Sindar

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. S.K. Rattan, Advocate,
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

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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, order or direction especially in the nature of *mandamus* directing the respondents to grant and release salary for the month of March, 2013, amount of DCRG, GPF, DLI/GIS (Group Insurance Scheme), Leave Encashment and solatium and financial help to the petitioner and also to pay interest @12% p.a. on the delayed payment.

Learned counsel for the petitioner submitted that the son of the petitioner was appointed on compassionate basis in the year 2011 but unfortunately he passed away after 2 years and the petitioner, who is the mother of the aforesaid deceased was entitled for grant of Gratuity and other benefits as aforesaid. He further submitted that these benefits have not been

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paid to the petitioner and no order has been passed for declining the same.

On the other hand, Ms. Akshita Chauhan, learned DAG, Punjab has stated that the son of the petitioner is not entitled for any pensionary benefit in view of the fact that he was governed by the New Pension Scheme since his appointment was after 01.01.2004.

At this stage, learned counsel for the petitioner has supplied a photocopy of the letter/instructions issued by the Government of Punjab, Department of Finance dated 05.02.2020 and according to him, there was an order for extension of benefits of retirement-cum-gratuity to the Punjab Government employees covered under the New Scheme as well and also supplied a photocopy of the letter for grant of Ex-Gratia to the employees of New Pension Scheme. Both the aforesaid documents are hereby taken on record and marked as 'X' and 'Y'. He further submitted that he will be satisfied at this stage that in case respondent No.2 is directed to consider the grievance of the petitioner for grant of pensionary benefits in accordance with the aforesaid two letters and strictly in accordance with law within a time framework.

In view of the aforesaid position, the petitioner shall be at liberty to file a comprehensive representation to respondent No.2 raising her grievances which are available to her in accordance with law.

In case, any representation is so filed by the petitioner to respondent No.2, then the same shall be considered and decided by respondent No.2 or any other competent authority in the present case by passing an order strictly in accordance with law within a period of 4 months thereafter.

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Needless to say that the order has to be a well-reasoned speaking order.

In case, the competent authority comes to the conclusion that the petitioner is entitled for grant of any benefit then the same shall be released to her within a period of three months thereafter along with interest @6%.

The present petition stands disposed of.

07.02.2023 **(JASGURPREET SINGH PURI)**
Bhumika **JUDGE**

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

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