

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

CWP-16671-2023 (O&M)
Date of decision :03.08.2023

NIRMALA DEVI

...Petitioner

Versus

DEPUTY COMMISSIONER-CUM-COLLECTOR,
U.T. CHANDIGARH AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Yoginder Nagpal, Advocate
for the petitioner.

HARSH BUNGER, J. (ORAL)

The present petition has been filed by petitioner-Nirmala Devi, under Articles 226/227 of the Constitution of India, for issuance of a writ in the nature of *mandamus*, directing respondents to release the amount of family pension and other retiral benefits i.e. amount of gratuity and leave encashment of her deceased husband who had superannuated w.e.f. 30.06.2020, along with 12% interest till its actual disbursement, as the same has been withheld by the respondents, without any justification.

2. At the outset, learned counsel for the petitioner submits that as regards the relief claimed in the present writ petition, the petitioner has also served a legal notice dated 16.08.2022 (Annexure P-3) and subsequently, another legal notice dated 01.06.2023 (Annexure P-4) upon the respondents; however, the same have not been decided till date. It is submitted that the petitioner would be satisfied at this stage, if a direction is issued to the respondents to consider/decide the afore-said legal notice(s) dated 16.08.2022 (Annexure P-3) and 01.06.2023 (Annexure P-4), in a time bound manner.

3. Notice of motion.

4. On the asking of the Court, Mr. Suman Jain, Senior Panel Counsel for Union Territory, Chandigarh, appears and accepts notice on behalf of respondents and submits that in case, the aforesaid legal notice(s) dated 16.08.2022 (Annexure P-3) and 01.06.2023 (Annexure P-4) have been served and received in the concerned Office, then the same shall be looked into/decided in accordance with law by the concerned authority and an appropriate speaking order will be passed.

5. I have heard learned counsel for the parties and perused the paper book with their able assistance.

6. Since the petitioner claims to have served a legal notice(s) dated 16.08.2022 (Annexure P-3) and 01.06.2023 (Annexure P-4) upon the concerned authorities i.e. the respondents in the present petition; accordingly, without commenting anything on the merits of the case, I deem it appropriate to dispose of the instant writ petition by directing respondent No.2 i.e. Executive Engineer Horticulture, Division No.1, Municipal Corporation, Chandigarh, to look into, consider and decide the aforesaid legal notice(s) dated 16.08.2022 (Annexure P-3) and 01.06.2023 (Annexure P-4) by passing a speaking order within a period of eight weeks from today. It goes without saying that in case, the petitioner is entitled to any relief, the same may be granted to her in accordance with law.

7. Disposed of in the afore-said terms.

8. All pending application/s, if any, shall stand closed.

August 3rd, 2023
gurpreet

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No