

107 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-19225-2023
Date of decision: 01.09.2023

Kasmir KaurPetitioner
V/s
State of Punjab and others ...Respondents

CORAM: HON’BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Ms. Riti Aggarwal, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

The instant 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 release the family pension and other retiral benefits to the petitioner.

Learned counsel for the petitioner contends that petitioner is the widow of the deceased employee (late Sh. Prem Singh), who was working in the respondent-Council and retired on 30.08.2022 after the regularization of his services w.e.f. 19.11.2011. The husband of the petitioner was appointed as Sweeper in the respondent-Department and expired on 15.06.2023. Learned counsel submits that the Government of Punjab issued a policy dated 23.01.2001 in which a decision was taken by the Government to regularize the services of the employees, who have completed three years of service on daily wage basis. Thereafter, the Government of Punjab again issued a policy dated 15.12.2006 in which a decision was taken by the Government to regularize the services of the employees of daily wages/must roll basis, who are having ten years service to their credit. Learned counsel further submits that husband of the petitioner was

appointed against the posts of Sweeper in the year 1995 on abhoc basis and his services have been regularized w.e.f. 19.11.2011, but the respondents have treated him to be fresh entrants in service and it has been decided that no benefit of past service rendered by the deceased employee on daily wage shall be counted towards qualifying service for pension. Learned counsel again submits that petitioner has served a legal notice dated 22.06.2023 (Annexure P-9) to respondents, which has not been taken into consideration till date and the petitioner would be satisfied if necessary directions are given for deciding the legal notice in a time bound manner.

Notice of motion.

At this stage, on asking of the Court, Mr. Arun Gupta, AAG Punjab, who is present in the Court, accepts notice on behalf of the respondents No.1 to 3 and submits that respondent No.4 is the competent authority to decide the legal notice.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioner in the legal notice dated 22.06.2023 (Annexure P-9), respondent No.4 is directed to decide the legal notice, by passing a speaking order within a period of 8 weeks from the date of receipt of certified copy of this order with a further direction that if the petitioner is found to be entitled to the claim mentioned in the abovesaid legal notice, necessary disbursement of funds shall be made to her within a period of 8 weeks thereafter.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

01.09.2023
Sapna