

127 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-19936-2023
Date of decision: 11.09.2023

Monika and othersPetitioners
V/s
State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Puneet Kumar Bansal, Advocate
for the petitioners.

DEEPAK MANCHANDA J. (ORAL)

The instant writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus, directing the respondents to revise the pay after granting the benefit of ACP Scheme on completion of 4 years of service on the post of Sub-Fire Officer i.e., w.e.f. 03.01.2021 and pay its arrears from 03.01.2021 till death on 27.01.2022 along with interest @ 18% per annum from the date of said benefit became due till its actual payment and pay interest as per GPF Rules on delayed deposit of Provident Fund from the date the said amount was deducted every month from salary till the date of death and pay the revised pension and remaining gratuity, leave encashment, Provident Fund and all other benefits.

Learned counsel for the petitioners contends that deceased husband of the petitioner No.1 late Sh. Vinod Kumar joined on the post of Fireman on 19.08.1996 and was posted with respondent No.3. He was promoted to the post of Sub Fire Officer vide Resolution dated 03.01.2017 passed by respondent No.3 and was posted with Municipal Council, Kapurthala. Thereafter, he was again transferred to Municipal Council, Ferozepur in May, 2017 and his services on the

post of Sub Fire Officer were regularized vide order dated 24.12.2019 passed by respondent No.2. Learned counsel submits that deceased husband of the petitioner No.1 had become entitled to ACP on completion of four years of service i.e. w.e.f. 03.01.2021 but he was not granted the benefit of Assured Career Progression (ACP) Scheme and is further, the Provident Fund @10% of the basic pay which was deducted every month from salary of deceased husband of the petitioner No. 1 by respondent No.3, the same was not deposited regularly by respondent No.3 with the concerned authority under the Punjab General Provident Fund Rules. The deceased husband of the petitioner No.1 expired on 27.01.2022. He further submits that on the death of late Sh. Vinod Kumar, his legal heirs became entitled to Ex-gratia, family pension, Provident Fund, leave encashment, gratuity etc. but they have been paid only Ex-gratia, part amount of Provident Fund amounting to Rs.1.22 lacs and the family pension and remaining benefits have not been released to them. Learned counsel again submits that petitioners have served a legal notice dated 23.06.2023 (Annexure P-4) to respondents, which has not been taken into consideration till date and the petitioners 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 and 2 and submits that respondent No.3 is the competent authority to decide the legal notice and does not object to the prayer made by learned counsel for the petitioners.

In view of the pleadings in the present petition, without expressing

the legal notice dated 23.06.2023 (Annexure P-4), respondent No.3 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 petitioners are found to be entitled to the claim mentioned in the abovesaid legal notice, necessary disbursement of funds shall be made to them within a period of 8 weeks thereafter.

The petition stands disposed of.

11.09.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

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