

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

125

CWP-23711-2023

Date of decision: 18.10.2023

PUSHPA DEVI**.....Petitioner****VERSUS****STATE OF PUNJAB AND OTHERS****.....Respondents****CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Ms. Palvi, Advocate for
Mr. Ishan Gupta, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

The instant 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 complete pensionary/retiral/service benefits and gratuity benefits and other dues (including dearness allowance, GPF/PF deposited, leave encashment, medical allowance etc. and arrears of increment and other arrears) and all other benefits along with interest @ 18% per annum for the delay in the payment which have been withheld by the respondent-department.

Learned counsel for the petitioner contends that husband of the petitioner had been appointed as Peon in the office of Nagar Council, Gidderbaha-respondent No.3 and he died on 01.09.2016. He submits that complete pensionary/retiral/service benefits and gratuity benefits and other dues have not been released to her and remaining dues have been withheld by the respondent-department without giving any justifiable reasons. Learned counsel further submits that petitioner has sent a representation dated 25.09.2023

(Annexure P-2) to the respondent No.3, which has not been taken into consideration till date and the petitioner would be satisfied if necessary directions are given for deciding the representation in a time bound manner.

Notice of motion.

On asking of the Court, Mr. Arun Gupta, AAG, Punjab, who is present in the Court, accepts notice on behalf of respondents No.1 & 2 and submits that respondent No.3 is the competent authority to take final decision and he does not object to the prayer made by learned counsel for the petitioner.

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 representaiton dated 25.09.2023 (Annexure P-2), respondent No.3 is directed to decide the representation, by passing a speaking order within a period of 08 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 representation, necessary disbursement of funds shall be made to her within a period of 08 weeks thereafter.

The petition stands disposed of.

October 18, 2023
Nisha-II

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No