

CWP-25739-2023

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2023:PHHC:145733

116 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-25739-2023

Date of decision: 16.11.2023

Kanta Rani

.....Petitioner

V/s

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Nakul Sharma, 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 respondent No.4 to immediately release complete retiral benefits of petitioner's husband deceased Shinda Surinder Pal to the petitioner being legally wedded wife and further directions be issued to respondent No.4 to decide the legal notice moved by the petitioner dated 18.07.2023 (Annexure P-5).

Learned counsel for the petitioner contends that petitioner's husband Shinda @ Surinder Pal worked in Municipal Council, Nangal as Sewadar/Safai Sewak and he unfortunately died on 23.12.2019. He submits that as the husband of the petitioner used to harass the petitioner, so the petitioner started living in her parental house at Sangrur. Since, the petitioner did not have any source of income for the maintenance, the petitioner had moved an application No.10 dated 24.12.1999 under Section 125 Cr.P.C. before the learned Judicial Magistrate First Class, Sangrur for grant of maintenance to her and her three children and the learned Judicial Magistrate First Class, Sangrur vide order dated 28.01.2002 accepted the application filed by the petitioner under Section 125 Cr.P.C. and granted Rs.250/- per month each to the petitioner as well as the three minor

children at that time. After the death of husband of the petitioner on 23.01.2019, the petitioner being the legally wedded wife moved an application before the Executive Officer, Municipal Council, Nangal on 07.09.2022 for issuance of family pension and other benefit. Further, the learned counsel for the petitioner contends that the petitioner has also served a legal notice dated 18.07.2023 (Annexure P-5) to respondent No.4, 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 & 5 and Mr. Tara Dutt, Advocate for Mr. Sanjeev Soni, Advocate has put in appearance in Court, accepts notice on behalf of respondent No.4 and they do 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 legal notice dated 18.07.2023 (Annexure P-5), respondent No.4 is directed to decide the aforesaid 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 the petitioner within a period of 8 weeks thereafter.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

16.11.2023
Sapna