

118 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-27155-2023
Date of decision: 04.12.2023

Darshana DeviPetitioner

V/s

The Chairman, Punjab State Power Corporation Limited, Patiala and
another

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Rohiteshwar Singh, 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 pensionary benefits except leave encashment to the petitioner on account of the death of her husband (employee of the respondents) along with its arrear and interest @ 18% per annum from the date of his death i.e. 14.02.2006 till the date of payment and further direction be issued to the respondents to count the work charge service of the deceased husband of petitioner w.e.f. 05.12.1986 to 17.06.1998 and further re-fix her liberalized family pension and normal family pension and pensionary benefits and pay the benefits accordingly along with its arrear and interest @ 18% per annum from the date of his death till the date of payment.

Learned counsel for the petitioner contends that the deceased husband of the petitioner joined the Punjab State Electricity Department (PSEB)

as work charge driver on 05.12.1986. Later on, the services of the deceased husband of the petitioner were regularized on 17.06.1998. The deceased husband of the petitioner transferred to office of Bhakhra Beas Management Board (BBMB), Talwara on 01.07.2002 and was working there. The husband of the petitioner was died on 14.02.2006 during service at the office of Bhakhra Beas Management Board (BBMB), Talwara. After the death of the deceased employee, the petitioner being his wife, approached the respondents for the pensionary benefit and further for appointment of his son on compassionate ground. But till date no action has been taken despite the repeated requests made by the petitioner. He further contends that in view of the policy, the respondent paid Rs.3,00,000/- as solatium to the petitioner in lieu of compassionate appointment. An amount of leave encashment was paid to the petitioner vide Bill No.708 dated 24.03.2006 but rest of the pensionary benefits have not been extended to the petitioner till date. However, approximate Rs.35,955/- were disbursed to the petitioner on 11.09.2006 by the Department as a final assistance except this no other pensionary benefits have been extended to the petitioner. The respondent No.2 had forwarded the PPO No.6974/05.08 dated 12.07.2006 to the respondent No.4 regarding payment of pension to the petitioner, only by counting the regular service of the deceased husband of the petitioner w.e.f. 14.02.1998 till 14.02.2006 vide which the petitioner was granted the liberalized family pension @ Rs.4275/- per month w.e.f. 15.02.2006 till 14.02.2013 and normal family pension @ Rs.2565/- w.e.f. 15.02.2013. He further contends that the work charge service of the deceased husband of the petitioner w.e.f. 05.12.1986 to 17.06.1998 has never been considered by the respondents for pension and pensionary benefits. Learned counsel submits that the petitioner has also served legal notice dated 13.09.2023

benefits including gratuity, GPF, revised pension etc., on account of death of the employee during service, 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.

Ms. Harpriya Khaneka, Advocate has put in appearance in Court and accepts notice on behalf of respondents No.1 and 2 and fairly concedes that reply to the legal notice dated 13.09.2023 has not given by respondents No.1 and 2 and submits that the same shall be decided within four weeks, in accordance with law.

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 13.09.2023 (Annexure P-4), respondents No. 1 and 2 are directed to decide the aforesaid legal notice in accordance with law, by passing a speaking order within a period of eight weeks from the date of receipt of certified copy of this order.

The petition stands disposed of.

04.12.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

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