

118 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-27593-2023
Date of decision: 08.12.2023

Leela Devi @ Leelo DeviPetitioner

V/s

State of Punjab and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Bhupinder Gupta, Advocate for
Mr.Sumit Kalyan, 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 pay the remaining death-cum-retirement benefits of the deceased husband (Sweeper) of the petitioner including gratuity, leave encashment, provident fund, pensionary benefits, unpaid salary, medical benefits and other benefits along with interest @ 18% per annum to the present petitioner due from the date of his death i.e. 18.01.2012.

Learned counsel for the petitioner contends that husband of the petitioner was working as a Sweeper in the office of respondent No.4. After the death of her husband, she did not receive his complete death-cum-retirement benefits. Thereafter, petitioner had requested the respondent No.4 to release the complete death-cum-retirement benefits of her husband. Earlier the cheque of Rs.3,00,000/- was also issued in favour of the petitioner in the year 2012 by the

Respondent No.4 after the death of her husband. The death-cum-retirement benefits

of the deceased husband of the petitioner including gratuity, leave encashment, provident fund, pensionary benefits, unpaid salary, medical benefits and other benefits amount is still pending and same has not been released to the petitioner by the respondents even after so many oral requests. Learned counsel further contends that the petitioner has also served legal notice dated 26.10.2023 (Annexure P-1) to the 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.

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

On receipt of advance copy, Mr. Parminder Singh, Advocate, has put in appearance in Court and accepts notice on behalf of respondent No.4.

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 26.10.2023 (Annexure P-1), 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.

08.12.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE