

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

126

CWP-2570-2024

Date of Decision: 06.02.2024

Amarjit Kaur

...Petitioner

VS

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. S.K. Singla, Advocate for the petitioner.

AMAN CHAUDHARY, J

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to sanction the pension and other benefits including gratuity, provident funds to the petitioner and release the same to her.

2. Learned counsel would contend that despite the factum of dismissal of the suit filed by one Harkirat Kaur also claiming herself to be the wife of husband of the petitioner, who expired on 09.03.2014, was dismissed on 06.02.2018 (Annexure P-1), against which no appeal was filed, the retiral benefits for the service rendered by him, have not been released to her. Further still, the suit filed by the petitioner for declaration and permanent injunction against the said Harkirat Kaur regarding rest of the property of deceased, stands decreed on 06.02.2018. In this regard, a representation dated 07.11.2023 (Annexure P-3), has been submitted, which has yet not evoked any response. He thus, at this stage, on instructions, submits that the petitioner is sanguine of it being considered in a positive manner, in case a direction is given to the respondents to decide the same in a time bound manner by granting her an opportunity of hearing.

3. Notice of motion.
4. At the asking of the Court, Mr. D.K. Singal, Addl. A.G., Punjab, accepts notice on behalf of the respondent-State and has no objection to the limited prayer made.
5. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to respondents to consider the representation dated 07.11.2023 (Annexure P-3) and decide the same, within a period of 3 months and if found entitled, necessary benefits be granted forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating the petitioner therewith.

(AMAN CHAUDHARY)
JUDGE

06.02.2024
Hemant

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No