

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

129

CWP-4634-2024 (O&M)
Date of decision: 28.02.2024

Dhanraj Kataria and Others

....Petitioners

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. R.S. Bajaj, Advocate for the petitioners

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 release regular pension and gratuity of petitioners forthwith and also to pay interest @ 15% p.a. on the difference amount.

2. Learned counsel submits that the grievance of the petitioners is that the regular pension has not been paid to them on account of no fault of the petitioners but by the Department, as the required formalities were not fulfilled by them, as per office of the Accountant General, therefore, only provisional pension was released. In this regard, a legal notice including the aspect of compassionate appointment dated 16.08.2023, Annexure P-8, has been served upon respondents, which has yet not evoked any response. He thus, at this stage, on instructions, submits that the petitioners are 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 them an opportunity of hearing.

3. Notice of motion.

4. At the asking of the Court, Mr. Charanpreet Singh, AAG 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 and decide the legal notice dated 16.08.2023, Annexure P-8 within a period of 6 months and if found entitled, necessary benefits be granted to the petitioners forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating them therewith.

(AMAN CHAUDHARY)
JUDGE

28.02.2024
M.Kamra

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No