

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

113

CWP-5562-2024 (O&M)

Decided on :11.03.2024

PATASO DEVI

. .PETITIONER

Versus

STATE OF HARYANA AND OTHERS

. . . RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Naveen Daryal, Advocate for the petitioner.

Mr. Harish Nain, AAG, Haryana.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, the prayer of the petitioner is that the husband of the petitioner was appointed as a Driver in the Haryana Roadways on 01.08.2003 on contract basis and while in service, he unfortunately died on 22.06.2007. After the death of the husband of the petitioner, his services were regularized vide letter dated 09.01.2017 (Anenxures P-1 & 2) and the certain benefits were extended to the petitioner including the family pension, gratuity, leave encashment etc but, the pay of the husband of the petitioner was notionally fixed, which act on the part of the respondents is totally arbitrary and illegal.

2. Learned counsel for the petitioner submits that once the services of the husband of the petitioner were regularized in service vide order dated 09.01.2017 (Annexures P-1 & 2), he was entitled for all actual benefits and not the notional benefits.

3. Learned counsel for the petitioner further submits that the grievance as raised in the present petition has already been raised before the authorities concerned vide Legal Notice dated 28.11.2023, copy of which has been annexed as Annexure P-8 and the petitioner will be satisfied at this

stage, in case, the said representation is decided by respondents in a time bound manner by passing an appropriate speaking order.

4. Notice of motion.

5. Mr. Harish Nain, AAG, Haryana, who is present in Court, accepts notice for the respondents. Learned State counsel submits that in case Legal Notice dated 28.11.2023 (Annexure P-8) is still pending consideration before the authority concerned, the said representation will be decided by the concerned authority within a period of **8 weeks** from the date of receipt of certified copy of this order by passing an appropriate speaking order.

6. Learned counsel for the petitioner submits that keeping in view the statement made by the Learned State counsel, the present petition may kindly be disposed of having been not pressed any further.

7. Ordered accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

11.03.2024

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No