



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

219

CWP-8317-2021

Date of decision : 25.10.2024

Rani Devi

.....Petitioner

V/S

State of Punjab and others

....Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Yogesh Kumar Aneja, Advocate for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

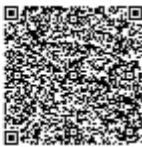
Mr. Amitabh Tewari, Advocate for respondent No.3
(through video conferencing).

NAMIT KUMAR, J. (ORAL)

1. Prayer in this writ petition filed by the petitioner under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing the respondents to release the remaining service-cum-death dues of the deceased employee (husband of the petitioner) along with interest on the delayed payment.
2. Separate replies have been filed on behalf of respondents No.1 & 2 and 3. In the reply filed on behalf of respondent No.3, it has been stated as under :-

“xx xx xx xx xx

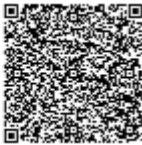
5. *Without prejudice to the above, it is submitted that no amount is due to the Applicant on account of her husband's services and the requisite dues have already been paid. The amount of service benefits payable based on*



the number of years of service as calculated based on the official records is Rs.5,66,900/- only. This amount has already been paid to the Applicant through different cheques and a record of this payment along with the cheque nos. and the dates is already annexed to the captioned writ petition as reply dated 2.03.2021. Most importantly, the receipt of this amount has categorically been admitted by the Applicant in paragraph 3 of page 6 of her Petition. The Respondent No.3 has remitted Ex-Gratia Amount of Rs.1,00,000/-; Gratuity of Rs.2,83,809/-; Leave encashment of Rs.79939 and Provident Fund of Rs.1,03,152/-. In fact, as per letter dated 10.06.2021, Respondent No.3 has given an additional amount of Rs.35,476 vide cheque no.966869 and given him the benefits of 18 year's service. A copy of the Reply dated 02.03.2021 is annexed herewith and marked as Annexure P-1. A copy of the calculation sheet/letter dated 10.06.2021 as per Section 4 of the Payment of Gratuity Act is annexed herewith and marked as Annexure P-2.”

3. Learned counsel for respondent No.3 has referred to Annexure R-2, whereby the details of the cheques have been given and it has been stated that a sum of Rs.6,02,376/- has been released to the petitioner. The details of the same are as under :-

“Sr. No.	Cheque No. and Date	Amount	Special Remarks
1.	826952, 07.02.2020	1,00,000/-	
2.	236867, 17.03.2020	3,50,000/-	Return of Bank Loan
3.	839069, 14.05.2020	50,000/-	
4.	839100, 21.08.2020	53,152/-	
5.	238227, 18.11.2020	13,748/-	



6.	966869, 10.06.2021	35,476/-	
	Total Amount	6,02,376/-	

Petitioner Smt. Rani Devi wife of late Sh. Sham Sunder, Safai Sewak is receiving family pension and PPO No. is DDLJF2461.”

4. Learned counsel for the petitioner does not dispute the abovesaid factual position and submits that the present petition may be disposed of with a liberty to the petitioner to represent respondent No.3 in case, apart from the abovesaid amount of Rs.6,02,376/-, any other amount is due towards the petitioner.

5. Disposed of with the abovesaid liberty.

25.10.2024
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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No