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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-14852-2023
Date of decision: 09.01.2024

Naresh Kumari

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sartaj Singh Thakur, Advocate for the petitioner.

Mr. Ferry Sofat, Addl. A.G. Punjab.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to release the gratuity of husband of the petitioner along with interest @ 18% per annum till the date of its realisation and further to affix the pension payable to the petitioner from the date of retirement of her husband i.e., 30.11.2002 which has not been affixed till date.

2. Learned counsel for the petitioner has submitted that a Coordinate Bench of this Court vide order dated 16.02.2012 (Annexure P-10) passed in COCP No.1651 of 2011 i.e., the petition filed by the husband of the petitioner, had disposed of the said contempt petition with the

following observations:-

“(4). Having heard learned counsel for the parties, I deem it appropriate to clarify the order dated 28.05.2009 passed by this Court in CWP No.4460 of 2005 and direct the respondents to consider the petitioner’s specific claim for the grant of benefit of military service rendered by him from 19.11.1962 to 30.11.1979. Suffice it to observe that in case the petitioner is entitled to five increments and/or any other monetary benefit in lieu thereof, the same shall be granted to him within a period of four months from the date of receipt of a certified copy of this order.

(5). Rules discharged. Dasti.

16.02.2012”

3. It is submitted that in spite of sufficient time having been lapsed, no final decision on the said aspect has been taken, on account of which, the petitioner who is a 72 year old widow, is suffering great prejudice.

4. Learned counsel for the petitioner has submitted that the petitioner would be satisfied at this stage, in case, she be permitted to give detailed representation mentioning all her grievances and after annexing the abovesaid order dated 16.02.2012 to the competent authority of respondent No.1-State and prays that the competent authority of respondent No.1-State be directed to consider the said representation in a time bound manner and in case, the pleas raised by the petitioner are found to be meritorious then to grant appropriate relief in accordance with law.

5. Learned State Counsel has submitted that the competent authority of respondent No.1-State would consider the said representation as

and when it will be filed by the petitioner, in accordance with law, as expeditiously as possible preferably within a period of four weeks from the date of receipt of the said representation.

6. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with a direction to the competent authority of respondent No.1-State to consider the abovesaid representation as and when filed by the petitioner in accordance with law within a period of four weeks from the date of receipt of the said representation and in case, the pleas raised by the petitioner are found to be meritorious then the competent authority would grant appropriate relief, in accordance with law and in case, the competent authority is of the opinion that the pleas raised by the petitioner are not meritorious then a speaking order rejecting the same be passed within a period of four weeks from the date of receipt of the said representation.

7. This Court has not opined on the merits of the case and the competent authority of respondent No.1-State would consider the case of the petitioner independently, in accordance with law.

09.01.2024
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No