

2024:PHHC:111223



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP No.21133 of 2024 (O&M)
Date of decision: 29.08.2024

Palwinder Kaur

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Amrik Singh, Advocate
for the petitioner.

Mr. Rajesh Sehgal, Addl. A.G., Punjab.

NAMIT KUMAR J. (Oral)

1. Prayer in this writ petition filed by the petitioner under Article 226 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing the respondents to revise the pay of the husband of petitioner, who has expired on 15.05.2009 by granting the accrued 4 and 9 years of ACP and 2 annual increments, which were ordered to be withheld during his lifetime and further to grant the benefit of pay re-revision dated 01.12.2011 (Annexure P-2) and to pay the benefit of revised pay and consequent pension on the basis of the letter dated 01.12.2011 (Annexure P-2) along with interest @ 18% per annum from the date of accrual till its actual realization.

2. Learned counsel for the petitioner submits that the husband of the petitioner was working as Inspector in the Cooperative Department and he was charge-sheeted under Rule 10 of the Punjab

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Civil Services (Punishment and Appeal) Rules, 1970 and minor punishment of withholding 02 increments of pay without cumulative effect was awarded to him vide order dated 21.09.2007 and while in service, he has unfortunately died on 15.05.2009. He further submits that the husband of the petitioner was entitled for 4 and 9 years of ACP as he completed 09 years of service in the year 2004. He further submits that despite refixation of pay of husband of the petitioner, the department has failed to pay the arrears of accrued pay and consequent pension to petitioner, even after 15 years of the death of husband of the petitioner.

3. Learned counsel for the petitioner submits that the petitioner would be satisfied in case time bound directions are issued to respondent No.2 to decide the legal notice dated 20.03.2024 (Annexure P-6) by passing a speaking order.

3. Notice of motion.

4. Mr. Rajesh Sehgal, Addl. A.G., Punjab, accepts notice on behalf of the respondents and has no objection to the innocuous prayer made by learned counsel for the petitioner.

5. I have heard learned counsel for the parties and have gone through the record of the case.

6. Without going into the merits of the case at this stage, the present petition is disposed of with a direction to respondent No.2 to decide legal notice dated 20.03.2024 (Annexure P-6), submitted by the petitioner expeditiously, by passing a speaking order, preferably within

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a period of 03 months from the date of receipt of certified copy of this order.

(NAMIT KUMAR)
JUDGE

29.08.2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No