



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

115

CWP No.21082 of 2024 (O&M)
Date of decision: 29.08.2024

Baljinder Kaur

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Jugam Arora, Advocate
for Mr. R.K. Arora, Advocate
for the petitioner.

Mr. Rajesh Sehgal, Addl. A.G., Punjab
for respondents No.1 to 4.

Mr. Shobhit Phutela, Advocate
for respondent No.5.

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 certiorari, quashing the action of the respondents in not releasing the family pension and balance/withheld amount of death-cum-retirement benefits in respect of service rendered by deceased, husband of the petitioner, who has unfortunately died on 08.11.2023. Further a writ of mandamus has been sought for directing the respondents to release the family pension of the petitioner w.e.f. 09.11.2023 and balance/withheld amount of death-cum-retirement



benefits amounting to Rs.5,55,910/- with interest @ 12% per annum for the delay from the due date.

2. Learned counsel for the petitioner submits that the husband of the petitioner has unfortunately died on 08.11.2023. Although part of the gratuity, leave encashment and GPF, have been paid to the petitioner, however, a sum of Rs.5,55,910/- have been withheld without any justification. He further submits that even the amount which has been paid to the petitioner is without any interest. He further submits that the petitioner has served a legal notice dated 14.07.2024 (Annexure P-2) upon the respondents for releasing the abovesaid benefits but however, the same have not been released to the petitioner so far nor any reply has been given to the said legal notice. He further submits that the petitioner would be satisfied in case time bound directions are issued to respondent No.5 to consider and decide the said legal notice by passing a speaking order.

3. Notice of motion.

4. Mr. Rajesh Sehgal, Addl. A.G., Punjab, accepts notice on behalf of respondents No.1 to 4. On the asking of the Court Mr. Shobhit Phutela, Advocate, who is on the panel of Department of Local Government, Punjab, has accepted notice on behalf of respondent No.5 and have 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.5 to decide legal notice dated 14.07.2024 (Annexure P-2), submitted by the petitioner expeditiously, by passing a speaking order, preferably within a period of 03 months from the date of receipt of certified copy of this order. Necessary benefits, if any, found due to the petitioner shall be released expeditiously preferably within a period of 04 weeks thereafter.

(NAMIT KUMAR)
JUDGE

29.08.2024
yakub

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