

CWP-25447 of 2024

2024:PHHC:131433



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

CWP-25447 of 2024

Date of decision: 03.10.2024

Manjeet Kaur

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Virender K. Shukla, Advocate,
for the petitioner.

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

NAMIT KUMAR, J. (ORAL)

1. Present petition has been filed under Article 226 of the Constitution of India for issuance of writ in the nature of *mandamus* directing the respondents to release the balance payment of pensionary benefits of the petitioner consisting of family pension, gratuity, leave encashment and provident fund etc. on account of death of her husband Sh. Lachhman Singh on 07.04.2024 after his retirement from service and to give the consequent arrears of the aforesaid benefits along with interest thereon @ 12% per annum.

2. Learned counsel for the petitioner submits that the husband of the petitioner retired from service on attaining the age of superannuation on 30.04.2023 from Nagar Council, Guru Har Sahai (respondent No.3) and he died on 07.04.2024. However, part retiral benefits of the husband of the petitioner and family pension have not been released. She submitted justice demand notice dated 13.08.2024

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(Annexure P-4), however, neither the same has been replied nor aforesaid benefits have been released to the petitioner. Learned counsel for the petitioner submits that at this stage, petitioner would be satisfied, if the said justice demand notice is considered and decided by passing a speaking order in a time-bound frame.

3. Notice of motion.

4. Mr. Rajesh Sehgal, Addl. A.G., Punjab, accepts notice on behalf of 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 expressing any opinion on the merits of the case or the claim being made by the petitioner in the present petition, respondents No.3 and 4 are directed to consider and decide the claim made by the petitioner in justice demand notice dated 13.08.2024 (Annexure P-4) in accordance with law, by passing a speaking order within a period of three months from the date of receipt of certified copy of this order. In case, the petitioner is found entitled, necessary benefits be released within a period of three weeks thereafter.

7. The petition stands disposed of.

(NAMIT KUMAR)
JUDGE

03.10.2024
R.S.

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No