

CWP-31932 of 2024

2024:PHHC:156806



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-31932 of 2024

Date of decision: 27.11.2024

Sheetal

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Ms. Veena Kumari, Advocate,
for the petitioner.

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

NAMIT KUMAR, J. (ORAL)

1. Present petition has been filed for directing the respondents to release the complete/remaining retiral benefits of the deceased husband of the petitioner, who passed away during employment on 27.02.2023 being dependent wife along with interest @ 18% from the date of accrual till the date of final payment is made to the petitioner and for setting aside the letter dated 30.08.2024 (Annexure P-11/T) issued by the respondents.

2. Learned counsel for the petitioner submits that the husband of the petitioner unfortunately died on 27.02.2023 while in service, however, out of total sum of Rs.18,71,310/- only Rs.5,00,000/- has been paid as gratuity and leave encashment of Rs.6,56,600/- has not been paid to the petitioner. She further submits that even the said payment of Rs.5,00,000/- was made in instalments and that too without any interest and the petitioner is entitled for the amount of interest in view of law laid down by Full Bench in ***A.S. Randhawa v. State of Punjab and others, 1997(3) S.C.T. 468*** and Co-ordinate Bench judgment in ***J.S. Cheema v. State of Haryana, 2014(13) RCR (Civil) 355***. She further submits that for claiming the said benefits, the

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petitioner has served a legal notice dated 05.09.2024 (Annexure P-10), however, neither the remaining benefits along with interest have been released to the petitioner nor the same has been replied to. She submits that at this stage, petitioner would be satisfied, if the said legal notice is considered and decided by the respondents 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 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 expressing any opinion on the merits of the case or the claim being made by the petitioner in the present petition, respondent No.3 is directed to consider and decide the claim made by the petitioner in legal notice dated 05.09.2024 (Annexure P-10) 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

27.11.2024
R.S.

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No