



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(127)

CWP No. 9513 of 2025

Date of Decision : 03.04.2025

Smt. Harvinder Kaur Mokha

...Petitioner

Versus

The State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ankit Midha, Advocate for the petitioner.

Mr. T.P.S. Chawla, Senior Deputy Advocate General, Punjab.

Mr. Abhay Gupta, Advocate for respondent No. 5.

Harsimran Singh Sethi J. (Oral)

1. Learned counsel for the petitioner argues that certain benefits accrued upon the petitioner's husband including promotion while he was in service but were not granted and as such the claim was agitated in CWP No. 15731 of 1991 (Annexure P-6), which petition was decided on 03.07.2014 and consequently certain benefits were directed to be given as extended to the similarly situated employees including the retrospective promotion to the post of Sub Divisional Officer.

2. Learned counsel for the petitioner further submits that in compliance of the said judgment, vide orders dated 04.11.2024 (Annexure P-10), 09.11.2024 (Annexure P-11) and 06.11.2024 (Annexure P-12), the employees who were juniors to the husband of the petitioner have been granted the benefit of retrospective promotion and re-fixation of their salary,



which benefit has not been given to the husband of the petitioner, which is causing prejudice as, upon grant of retrospective promotion, the salary of the petitioner's husband upto the grant of voluntarily retirement will be enhanced and he will be entitled for more pension and consequently more family pension to the petitioner after the death of her husband. Learned counsel further submits that the respondents are under obligation to grant the husband of the petitioner the same benefit as has been granted to the similarly situated employee vide orders dated 04.11.2024 (Annexure P-10), 09.11.2024 (Annexure P-11) and 06.11.2024 (Annexure P-12) and consequential benefits to the petitioner.

3. Learned counsel for the petitioner submits that the petitioner has already raised the said grievance in the legal notice dated 21.02.2025 (Annexure P-14) but the same is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a direction is issued to the respondents to decide the same by passing an appropriate speaking order in a time bound manner.

4. Notice of motion.

5. On the asking of the Court, Mr. T.P.S. Chawla, Senior Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and Mr. Abhay Gupta, Advocate accepts notice on behalf of respondent No. 5. Learned counsel for the respondent-State submits that in case, the legal notice dated 21.02.2025 (Annexure P-14) has been received in the office of the concerned authorities and the same is still pending consideration with the authorities concerned, the same will be decided by the competent authority within a period of eight weeks from the



date of the receipt of certified copy of this order by passing an appropriate speaking order. Learned counsel further submits that in case, it is feasible to accept the claim of the petitioner, the same will be accepted, otherwise due reasons will be mentioned for not accepting the claim of the petitioner in the speaking order to be passed and the said order will be duly conveyed to the petitioner.

6. Learned counsel for the petitioner submits that keeping in view the statement of learned State counsel, the present petition may kindly be disposed of having been not pressed any further.

7. Ordered accordingly.

April 03, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No