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

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**CWP-10920-2025 (O&M).
Date of Decision: 23.04.2025.**

REENA GILL

... Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: None for the petitioner(s).

VINOD S. BHARDWAJ, J. (ORAL)

Prayer made in the present writ petition is for directing the respondents to consider and release all the service benefits i.e. pension, provident fund, leave encashment, general insurance scheme, ex-gratia grant and other benefits of the deceased husband of the petitioner along with interest @ 18% per annum.

2 It has been averred in the writ petition that the petitioner is the widow of deceased Amarjit Gill who unfortunately expired on 01.04.2024. He was working as a Safai Sewadar in Municipal Corporation, Batala although he had been appointed as a tubewell operator. It is averred that a matrimonial dispute arose between the petitioner and her deceased husband Amarjit Gill and a petition under Section 13 of the Hindu Marriage Act,

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seeking dissolution of the marriage had been filed. The deceased husband of the petitioner, however, did not appear before the trial Court and the same was thus dismissed in default vide order dated 08.01.1998. The said divorce petition was never got restored by Amarjit Gill and the same attained finality between the parties. The petitioner along with her minor daughter Neha Gill also filed an application under Section 125 Cr.P.C. for grant of maintenance against her deceased husband Amarjit Gill, which was allowed by the trial Court vide order dated 29.01.2003 and a maintenance of Rs.1,000/- per month was awarded to the minor daughter from the date of application. It is averred that the deceased husband of the petitioner appeared before the executing Court and filed objections in the execution filed by the petitioner. A further averment has been made that during the lifetime and without the marriage having been annulled, the deceased Amarjit Gill started living with another woman namely Neelam, who was also working as Safai Sewadar at Municipal Corporation Batala. She started claiming herself to be legally wedded wife of Amarjit Gill in order to avail the pensionary and death-cum-retirement benefits. She also got her nomination in the service record of deceased Amarjit Gill and obtained the death certificate and thereafter applied for grant of service benefits. On being aware of the same, the petitioner submitted representations dated 09.04.2024 and 24.04.2024 followed by reminder dated 17.07.2024 to respondent No.3- Municipal Corporation, Batala seeking release of the death-cum-service benefits admissible to the petitioner, however, no decision was given thereto by the respondents whereupon a legal notice dated 06.05.2024 was also sent. A reply

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to the same dated 07.10.2024 was sent denying the claim raised by the petitioner for release of the service benefits and it is mentioned that the claim regarding the job on compassionate grounds is to be decided by the State of Punjab. Claiming that the respondents are not considering the lawful entitlement of the petitioner, the instant writ petition has been filed seeking direction to the respondents to take appropriate steps.

3 Taking into consideration the totality of the circumstances noticed above and the prayer made in the present writ petition as also the order which this Court intends to pass, issuance of formal notice may not be necessary in the present case.

4 Considering that a specific averment has been raised in the instant writ petition as regards the legitimate status of the petitioner being the widow of deceased Amarjit Gill and the entitlement of the child born out of the loins of Amarjit Gill along with the entitlement for seeking compassionate appointment, without commenting upon the merits of the case, the present writ petition is disposed of at this stage with a direction to respondent No.2-Director, Department of Local Government Punjab, to treat the instant writ petition as a representation and to take a considered decision on the respective claims raised thereunder by passing a speaking and reasoned order thereupon in accordance with law within a period of three months from the date of receipt of certified copy of this order.

April 23, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No