

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 23608 OF 2017
DECIDED ON: OCTOBER 31, 2017

PARMINDER KAUR

....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Sonia G. Singh, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226 of the Constitution of India, petitioner has sought issuance of a writ in the nature of certiorari quashing the impugned letter dated 12.10.2016 (P-3) vide which the respondents have informed the petitioner that finance department has not approved to allow house allowance/rent to the petitioner for a period of one year after the demise of her husband. AND further directing the respondents to release one year house rent in view of circular dated 09.07.1971 (P-1) along with interest @ 18% on the delayed payment.

2. The contention of learned counsel for the petitioner is that the impugned letter dated 12.10.2016 (P-3) is absolutely against the circular dated 09.07.1971 (P-1) issued by Chief Secretary to Govt., Punjab, Chandigarh with regard to Ex-gratia grants and other facilities for families of government

employees, who die while in service.

2. This Court has gone through circular dated 09.07.1971 (Annexure P-1), which is applicable to the case of the petitioner, reads as under:-

- (a) xxxx xxxx xxxx
- (b) xxxx xxxx xxxx
- (c) Accommodation:-

In case where the deceased employee was in possession of Government accommodation, his family will be allowed to retain the accommodation for one year after his death, the rate of rent being the same as was application to him at the time of his death. In other cases, the house rent allowance admissible to the deceased employee will continue to be given to the family for one year after his/her death.”

3. A glance at the aforesaid provision transpires that the petitioner being the widow of the deceased, a Govt. employee, is entitled to the house rent allowance.

4. During the course of arguments, it has been asserted by learned counsel for the petitioner that aforesaid circular dated 09.07.1971 (P-1) is still operative and has not been modified or withdrawn by the government.

5. In view of the aforesaid aspect of the case, letter/order dated 12.10.2016 (P-3) is not sustainable in the eyes of law and it stands quashed.

6. Thus, instant petition is disposed of with a direction to respondent(s) to reconsider the case of the petitioner as projected in her representation dated 16.03.2017 (P-5) and to take a conscious decision,

especially in view of Service Rules as well as circular dated 09.07.1971 (P-1) within a period of two months from the date of receipt of certified copy of this order and if it is found that petitioner is entitled to the relief claimed, to disburse the same within a period of next one month.

4. However, if the petitioner still feels aggrieved against the order passed by the concerned authority, she shall be at liberty to approach this Court.

OCTOBER 31, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes*

Whether reportable *Yes/No*