

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

**129**

**Civil Writ Petition No.13651 of 2015  
Date of Decision:10.07.2015**

Piara Lal

....petitioner

Versus

State of Punjab and others

.....respondents

**CORAM: HON'BLE MR.JUSTICE ARUN PALLI**

Present: Mr.Vishal Rattan, Advocate  
for the petitioner

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**ARUN PALLI, J.(ORAL):-**

A writ in the nature of mandamus is prayed for, so as to direct the respondents to release and pay an amount of ₹ 57,994/- that has been withheld (on account of non obtaining of clearance certificate from Vigilance Department), from the gratuity of the petitioner, since he stands retired w.e.f. 28.02.2009.

Petitioner was appointed as JBT teacher and retired from service on 28.02.2009, on attaining the age of superannuation as BPEO, Tanda-II, Distrcit Hoshiarpur. The gratuity payment order was issued to the petitioner and pursuant thereto, an amount of ₹ 3,50,000/- was released. However, an amount of ₹ 35,000/-was withheld by the respondents on account of non obtaining of clearance certificate from the Vigilance Department (Annexure P1).

It is maintained that the clearance certificate from the Vigilance Department is required to be obtained by the respondents

as the petitioner had no role to play therein. In fact, on compliance of the pay commission's report on 16.03.2010, pay of the petitioner was revised w.e.f.01.01.2006, and, as a result the respondents had issued revised gratuity payment order to the petitioner. And further an amount of ₹ 2,29,942/- was ordered to be released to the petitioner, but again an amount of ₹ 22,994/- was withheld for the same reason i.e. that the petitioner failed to obtain clearance certificate from the Vigilance Department. Meaning thereby, a total amount of ₹ 57,994/- has been withheld by the respondents for the reason indicated above. Respondent No.3 has repeatedly written to respondent No.2 to issue clearance certificate as there is nothing against the petitioner and no inquiry is pending against him either. However, clearance certificate has not been issued to the petitioner till date. Petitioner purports to have repeated representations to the respondents to release the withheld amount but to no avail. So much so, prior to the institution of this petition, respondents are purported to have been served upon even a legal notice dated 28.05.2015 (Annexure P9) but that too has failed to evoke any response.

Learned counsel for the petitioner submits that, at this stage, let this petition be disposed of, with a direction to the respondents to consider and decide the legal notice (Annexure P9) served by the petitioner, within a specified time.

That being so, and, without expressing any opinion on merits, the instant petition is disposed of with a direction to the respondents, to consider and decide the claim of the petitioner as set

out in his legal notice dated 28.05.2015 (Annexure P9), strictly, in accordance with law, within a period of two months, from the receipt of the certified copy of this order. Needless to assert, a comprehensive order shall be passed assigning reasons, in support of the decision arrived at.

10.07.2015

*neenu*

**(ARUN PALLI)**  
**JUDGE**