

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.22694 of 2015

Date of decision: 21.10.2015

Jangi Ram and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Ms. Riti Aggarwal, Advocate for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

The petitioners seek the relief of payment of gratuity as per provisions of the Payment of Gratuity Act, 1972 (hereinafter referred to as "the Act") along with interest in view of the Division Bench judgment of this Court in **Civil Writ Petition no.15423 of 2008 titled as Municipal Committee, Pathankot Vs. Appellate Authority under the Payment of Gratuity Act and others** decided on 22.9.2008 (Annexure P/2) which has been further upheld by the Apex Court in **Special Leave to Appeal No.11436 of 2009-Municipal Committee, Pathankot Vs. Nathu Ram Gupta and others** decided on 8.7.2014(Annexure P/4).

The case of the petitioners is that they were serving with respondent no.2 and after their superannuation were entitled for payment of the gratuity under the Act. The dispute arose regarding their entitlement as they were employees of the local bodies and the Division Bench of this Court in **Municipal Committee, Pathankot's case** (supra) held that they were entitled for the payment of gratuity under the Act in the absence of any exemption granted.

Counsel for the petitioner submits that legal notice dated 25.5.2015 (Annexure P/5) has been served upon the respondents for the necessary relief but no action is being taken and she would be satisfied if a direction is issued to respondent no.2 to consider and decide the said legal notice within a specified period.

Without going into merits of the case and keeping in view the limited relief sought for, the present petition is disposed off without calling the respondents to file their reply. Accordingly, respondent no.2 is directed

to take a decision on the legal notice dated 25.5.2015 (Annexure P/5) within a period of three months from the date of receipt of a certified copy of this order. Needless to say that in case the the relief is to be denied to the petitioners then reasoned order be passed by the said respondent.

The writ petition stands disposed of accordingly.

October 21, 2015
Pka

(G.S.SANDHAWALIA)
Judge