

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Writ Petition No. 8511 of 2015

DATE OF DECISION : May 04, 2015

Jaswant Singh

..... PETITIONER(S)

VERSUS

Food Corporation of India & ors.

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Surmukh Singh, Advocate, for
Mr. Varinder Shukla, Advocate, for the petitioner.

ARUN PALLI, J. (Oral)

A writ in the nature of mandamus is prayed for, so as to direct the respondents to release the payment as regards leave encashment and part payment qua Contributory Provident Fund, on account of the retirement of the petitioner with effect from 30.04.2013, along with interest.

It is averred that the petitioner entered service as Technical Assistant-III on 31.05.1976. He retired on attaining the age of superannuation on 30.04.2013. Post retirement, he was paid Gratuity and a part payment as regards Contributory Provident Fund, vide sanction letter dated 30.04.2013 (Annexure P-3), but his claim qua leave encashment remains pending to

date. So much so, annual statement of Contributory Provident Fund for the year 2011-12 furnished to the petitioner reveals that a total balance to his credit, as on 31.03.2012, was ₹13,86,260-40, however, he had only been paid a sum of ₹12,06,392/-, vide sanction letter dated 30.04.2013 (Annexure P-3). Therefore, a balance payment of ₹1,79,868/- is yet to be made. It is maintained that no charge sheet/inquiry or any recovery was pending against the petitioner till the date of his retirement or even thereafter. Thus, there is hardly any justification to withhold the payment as regards leave encashment and Contributory Provident Fund. Prior to the institution of this petition, petitioner purports to have even served upon the respondents a legal notice dated 23.03.2015 (Annexure P-6), but that too has failed to evoke any response.

Learned counsel for the petitioner submits that the inaction at the instance of the respondents is writ large on the face of the record. However, he submits that let this petition, at this stage, be disposed of with a direction to the respondents to consider and decide the legal notice (Annexure P-6) served by the petitioner within a specified time.

That being so, and without expressing any opinion on merits, this 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 23.03.2015 (Annexure P-6), strictly in accordance with law, within a period of two months from the receipt of certified copy of this order.

Needless to assert, a comprehensive order shall be

passed, assigning reasons in support of the decision arrived at.

MAY 04, 2015
Kang

(ARUN PALLI)
JUDGE