

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

CWP No. 17609 of 2016
Date of decision: 29.08.2016

Santosh Rani

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

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

Present: Mr. Surinder Gaur, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner, being the wife of the deceased-employee, seeks the release of balance of retiral dues, the details of which are as under:-

- “i. Balance of Ex-gratia payment of Rs.50,000/-;*
- ii. Balance amount of Gratuity to the tune of Rs.2,07,148/-;*
- iii. Balance amount of Leave Encashment to the tune of Rs.1,46,518/-;*
- iv. Rs.50,000/- approx. being the amount of Provident Fund and D.A. installments.”*

It is the case of the petitioner that her husband Rajesh Kumar was working as a Safai Sewak with respondent no. 4-The Municipal Council, Raman, District Bathinda. He died on 22.01.2015 and in spite of 18 months having passed, complete retiral benefits have not been released. The details of the amounts released and the amounts outstanding have been mentioned in para nos. 3 to 6 of the writ petition. Accordingly, even interest has been claimed @ 18% per annum on account of delayed payment. Reliance has also been placed upon the guidelines issued on 08.12.1999 (Annexure P-1) to submit that the dues of retirees should be

paid at the earliest.

It is pointed out that a legal notice dated 09.07.2016 (Annexure P-2) has already been served upon the respondents detailing the outstanding amount but of no avail. Counsel further submits that he would be satisfied if the respondents are directed to decide the claim within a time bound frame so that the outstanding amounts can be disbursed.

Notice of motion.

Ms. Lavanya Paul, Addl. A.G., Punjab accepts notice on behalf of respondents no. 1 to 3. Copies of the writ petition have been supplied to her.

Keeping in view the controversy involved, this Court is of the opinion that no reply is required from the respondents at this stage.

Accordingly, the present writ petition is disposed of with a direction to respondent nos. 2 and 3 to ensure that respondent no. 4 decides the legal notice dated 09.07.2016 (Annexure P-2) and releases the balance payment within a period of 2 months from the date of receipt of certified copy of the order in case there is no legal impediment. The respondent no. 4 shall also ensure that the liability to pay the interest element due to the delay in disbursement is also decided in view of the Full Bench judgment of this Court in *A.S.Randhawa Vs. State of Punjab & others 1997 (3) SCT 468*. Needless to say if the relief is to be denied, a reasoned order be passed and conveyed to the petitioner.

29.08.2016
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No