

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

123

**CWP-25618-2016 (O&M)
Date of decision: 12.12.2016**

Davinder Kumar and others

....Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Sunny Singla, Advocate for the petitioners.

P.B. Bajanthri, J. (Oral)

- 1.) Notice of motion.
- 2.) On the asking of the Court, Mr. Rahul Verma, AAG, Punjab accepts notice on behalf of the respondents. Let two copies each of the writ petition be given to the learned State counsel during the course of day.
- 3.) The petitioners are stated to have retired employees on various dates as per Annexure P-1 from 1996 to 2016.
- 4.) Their grievance is that they are entitled for gratuity. In identical matter, this Court (both Single as well as Division Bench) held that similarly situated employees are entitled for gratuity vide Annexures P-2 and P-3.
- 5.) Learned counsel for the petitioner submitted that order of the Division Bench has been upheld by the Apex Court in the case of

Municipal Council, Pathankot Vs. Nathu Ram Gupta and others on 8.7.2014.

6.) The Director, Local Government, Punjab has implemented orders of this Court as well as of the Supreme Court on other connected matters 8.2.2016 and 10.2.2016(Annexure P-6 and P-7 respectively). It was stated in the aforesaid order that some more review petitions have been filed which are pending consideration before the Apex Court. Reliefs have been granted in the orders dated 10.2.2016 and 8.2.2016 subject to decision in the pending review petitions. In view of these facts and circumstances, respondent No.2 is directed to examine the factual aspects of each of the petitioner as to whether each one of them are entitled to gratuity on par with others or not and take a decision within a period of eight weeks from the date of receipt of copy of this order. If the petitioners are eligible and entitled to gratuity amount, the same shall be disbursed to them within three months. If the gratuity amount is not disbursed within three months, the petitioners are entitled to interest @ 9% per annum thereon.

7.) Accordingly, petition is disposed of.

12.12.2016

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No