

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.3869 of 2016

Date of decision: 26.2.2016

Desh Bandhu (Retd) and others

...Petitioners

Versus

State of Punjab and others

...Respondents

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

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

G.S.SANDHAWALIA, J. (Oral)

The petitioners seek release of revised gratuity as per the provisions of Payment of Gratuity Act, 1972 along with interest from the due dates. Reliance has been placed upon the Division Bench judgment of this Court in **CWP No.15423 of 2008-Municipal Committee, Pathankot Vs. Appellate Authority** decided on 22.9.2008 (Annexure P/2) and upheld by the Apex Court on 8.7.2014 (Annexure P/4).

The case of the petitioners is that they were serving with various Local bodies and details thereof have been given in Memo of Parties and Annexure P/1. A dispute arose regarding the entitlement of the gratuity under the Payment of Gratuity Act, 1972 in the absence of any exemption granted. It is further pointed out that respondent no.2 vide order dated 8.2.2016 (Annexure P/8) has also issued similar direction keeping in view the orders passed by this Court in various cases on the same subject and directed the concerned Local Bodies to pay the balance amount of gratuity.

Counsel for the petitioners submits that legal notice dated 3.10.2015 (Annexure P/5) in this regard has already been served upon the respondents which is still pending consideration and he would be satisfied if a direction is issued to respondent no.2 to decide the said legal notice

within some fixed time frame.

Notice of motion.

Mr. R.S.Sidhu, Assistant Advocate General, Punjab accepts notice on behalf of respondents. Copies of the writ petition have been supplied to him.

Keeping in view the limited relief sought by the petitioners, this Court is of the opinion that there is no requirement of calling for any reply on behalf of the State.

Accordingly, without commenting on the merits of the case, the writ petition is disposed of with a direction to respondent no. 2 to issue necessary directions to concerned local bodies to process the cases of the petitioners, whose details have been given in the list (Annexure P-1) and pass necessary orders in respect of each of the persons separately after giving due notice to them. The said exercise be completed within a period of 4 months from the date of receipt of certified copy of the order. In case the concerned Municipal Corporation/Council finds that the amounts are due as per the judgment of the Division Bench, the same be paid within a period of 2 months thereafter along with interest element as provided under the relevant provisions of the Payment of Gratuity Act, 1972.

February 26, 2016
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(G.S.SANDHAWALIA)
Judge