

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.4061 of 2016

Date of decision: 29.2.2016

Som Nath

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present: Mr. Amandeep Singh Manaise, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks release of his retiral benefits in the form of gratuity and leave encashment along with 12% interest per annum on account of delayed payment.

It is case of the petitioner that he retired on 31.8.2015 as Safai Sewak from the office of respondent no.2-Municipal Corporation, Pathankot. He has been paid his GPF amount and pension but the above mentioned retiral dues have not been paid which is approximately amounting to ₹ 8 lacs. He had served a legal notice dated 15.12.2015 (Annexure P/3) upon the respondents but inspite of that the respondents have failed to act upon the same.

Counsel for the petitioner submits that he would be satisfied if a direction is issued to respondents to decide the legal notice dated 15.12.2015 (Annexures P/1) within some fixed time frame.

Notice of motion.

Mr. R.S.Sidhu, Assistant Advocate General, Punjab accepts notice on behalf of respondent no.1. Copy of the writ petition has been supplied to him.

Keeping in view the limited relief sought by the petitioner, this

Court is of the opinion that there is no requirement of calling for any reply on behalf of the State.

Accordingly, the present writ petition is disposed of with a direction to respondent no.1 to ensure that retiral dues are paid to the petitioner by respondent no.2, if there is no legal impediment within a period of two months from the date of receipt of a certified copy of this order. The said respondent shall also taken into consideration the right of the petitioner with regard to grant of interest on delayed payment in of view the Full Bench decision in **A.S. Randhawa Vs. State of Punjab 1998(1) S.C.T. 343** and pass a speaking order regarding this aspect. In case any adverse order is to be passed then a reasoned order be passed by the said respondent and be conveyed to the petitioner.

The present writ petition is disposed off with the aforesaid directions.

February 29, 2016
Pka

(G.S.SANDHAWALIA)
Judge