

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

CWP No. 4118 of 2016
Date of decision: 01.03.2016

Subh Karan Joshi and others

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

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

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

G.S.SANDHAWALIA, J. (Oral)

The petitioners, who are 29 in number, are ex employees of respondent no. 4-Nagar Council, Morinda and are seeking the benefit of the revised gratuity. Their details and particulars have been mentioned in the Memo of Parties and Annexure P-1 in which their dates of appointment and dates of retirement have been given. For the said relief, reliance has been placed upon the Division Bench judgment of this Court in CWP No. 15423 of 2008, titled Municipal Council, Pathankot Vs. Appellate Authority, decided on 22.09.2008 (Annexure P-2), which has been upheld by the Apex Court on 08.07.2014 (Annexure P-4) and the review applications have been dismissed.

Counsel submits that the petitioners have served a legal notice dated 03.10.2015 (Annexure P-5) upon the respondents for the necessary relief and decision on the same is pending. He would be satisfied if a time bound direction is issued to the respondents to decide the same. Reference is made to the earlier order passed by this Court in CWP No. 22694 of 2015,

titled Jangi Ram and others Vs. State of Punjab and others, decided on 21.10.2015 (Annexure P-6) to submit that respondent no. 2, on 10.02.2016 (Annexure P-8) in similar circumstances has noticed the controversy in issue and has issued directions that payment be made to similarly situated persons.

Notice of motion.

Mr. Avinit Avasthi, AAG, Punjab accepts notice on behalf of respondents no. 1 to 3. Copy of the writ petition has been supplied to him in Court.

Keeping in view the limited relief sought, this Court is of the opinion that there is no need for the respondents to file reply.

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 respondent no. 4 to process the cases of the petitioners, whose details have been given in the Memo of Parties and 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 said Municipal 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 alongwith interest element as provided under the relevant provisions of the Payment of Gratuity Act, 1972.

01.03.2016
shivani

(G.S. SANDHAWALIA)
JUDGE