

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.4817 of 2016
Decided on : 29.03.2016

Ram Kishan

... Petitioner

Versus

State of Punjab & others

... Respondents

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

Present : Mr.J.S.Lalli, Advocate, for the petitioner.

G.S. Sandhawalia , J. (Oral)

Petitioner seeks the release of retiral dues i.e. Leave Encashment, Gratuity, Pension with DA, Medical Allowance, arrears of DA, on his retirement from the post of Clerk on 30.06.2015, from the office of respondent No.4, the Municipal Council, Batala.

Counsel for the petitioner submits that legal notice dated 11.02.2016 (Annexure P2) has already been served upon the respondents but payment is still awaited. It is further submitted that there are no departmental proceedings or any dues pending against the petitioner. The only part payment made has been of Leave Encashment and Provident Fund, which has also been delayed. It is submitted that the petitioner would be satisfied if a decision is taken on the said legal notice, within a fixed time frame.

Notice of motion.

Mr.R.S.Sidhu, AAG, Punjab accepts notice on behalf of respondents No.1 to 3. Copy of the paperbook has been supplied to him.

Keeping in view the limited relief sought, this Court does not feel it necessary to ask the respondents to file reply.

Accordingly, without commenting upon the merits of the case, the present writ petition is disposed of, with a direction to respondents No.2 & 3, to ensure that respondent No.4 considers and decides the legal notice dated 11.02.2016 (Annexure P2), within a period of 2 months from the date of receipt of the certified copy of this order and ensure that the dues are paid to the petitioner. The said respondent shall also take into consideration the entitlement of the petitioner and its liability to pay interest, as per the judgment of the Full Bench in the case of **A.S.Randhawa Vs. State of Punjab & others 1997 (3) SCT 468** on the issue of delay in the release of the monetary benefits. In case there is no legal impediment, the monetary dues along with interest be disbursed to him, thereafter. In case the amount is to be denied, a speaking order be passed and the same be conveyed to the petitioner.

MARCH 29, 2016
sailesh

(G.S. SANDHAWALIA)
JUDGE