

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.4893 of 2016
Decided on : 15.03.2016

Kailash Kumar

... Petitioner

Versus

State of Punjab & others

... Respondents

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

Present : Mr.Deepak Gupta, Advocate, for
Mr.Vivek Goel, Advocate, for the petitioner.

G.S. Sandhawalia , J. (Oral)

Petitioner seeks the release of GPF, leave encashment, gratuity along with other retiral benefits along with 18% per annum interest.

It is the case of the petitioner that he retired on 31.10.2015 as Junior Assistant from respondent No.4-Municipal Council, Kotkapura. There is no complaint or any charge-sheet pending against him but he has not received his retiral dues.

Counsel for the petitioner submits that a legal notice dated 25.01.2016 (Annexure P1) has been served upon the petitioner and the petitioner would be satisfied if a decision is taken on the said legal notice, within a fixed time frame.

Notice of motion.

Mr.Anshul Gupta, 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 consider and decide the legal notice dated 25.01.2016 (Annexure P1), within a period of 2 months from the date of receipt of a certified copy of this order and ensure that the dues are paid to the petitioner. The said respondents shall also take into consideration the entitlement of the petitioner and the issue of delay in the release of the monetary benefits and the liability of respondent No.4, 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**. In case there is no legal impediment, the retiral 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 15, 2016
sailesh

(G.S. SANDHAWALIA)
JUDGE