

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

CWP No. 5057 of 2016
Date of decision: 17.03.2016

Karnail Singh

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

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

Present: Ms. Sonia G. Singh, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

Prayer made in the present writ petition is for release of arrears of gratuity in accordance with the Payment of Gratuity Act, 1972 to the tune of ₹52,218/-.

It is the case of the petitioner that he had retired on 30.04.2007 as Junior Assistant from respondent no. 4-Municipal Council, Urmar Tanda. In view of the judgment of the Division Bench in CWP No. 15423 of 2008, Municipal Council, Pathankot vs. Appellate Authority and others, decided on 22.09.2008 (Annexure P-2) and which has been upheld by the Apex Court in SLP No. 11436 of 2009 on 08.07.2014 (Annexure P-3), the petitioner is entitled for the above said amount. It is further submitted that for redressal of his grievances, the petitioner has served a demand notice dated 21.12.2015 (Annexure P-5) but the same has not been decided so far. He further submits he would be satisfied if a time bound decision is taken on the said legal notice. It is further pointed out that respondent no. 2, in similar circumstances, in CWP No. 9377 of 2015, Rajinder Kumar and

others vs. State of Punjab and others decided on 13.04.2015, has directed on 27.08.2015 to make payment to similarly situated persons.

Notice of motion.

Mr. R.S. Sidhu, AAG, Punjab accepts notice on behalf of respondents no. 1 to 3. A copy of the writ petition has been supplied to him.

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, this writ petition is disposed of with a direction to respondent no. 2 to issue necessary directions to respondent no. 4 to process the case of the petitioner and pass necessary orders and take a decision on the demand notice dated 21.09.2015 (Annexure P-5) within a period of 2 months from the date of receipt of certified copy of the order. In case respondent no. 4 finds that the amount is due as per the judgment of the Division Bench, the payment be made within a period of one month thereafter alongwith interest as provided under the relevant provisions of the Payment of Gratuity Act, 1972. Needless to say if the relief is to be denied, a reasoned order be passed and conveyed to the petitioner.

17.03.2016
shivani

(G.S. SANDHAWALIA)
JUDGE