

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5858 of 2016
Decided on : 30.03.2016

Mela Ram

... Petitioner

Versus

State of Punjab & others

... Respondents

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

Present : Mr.O.P.Gabba, Advocate, for the petitioner.

G.S. Sandhawalia , J. (Oral)

Petitioner seeks the release of retiral dues including Gratuity, leave encashment, Provident Fund, on his retirement on 31.10.2015 as Safai Sewak from respondent No.3, Municipal Council, Ferozepur City.

Counsel for the petitioner submits that legal notice dated 23/24.02.2015 (Annexure P2) has already been served upon the respondents but payment is still awaited. It is further submitted that there is no departmental proceedings or any dues pending against the petitioner. 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 the respondents No.1 & 2. 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 respondent No.2, to ensure that respondent No.3 considers and decides the legal notice dated 23/24.02.2015 (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 benefit is to be denied, a speaking order be passed and the same be conveyed to the petitioner.

MARCH 30, 2016
sailesh

(G.S. SANDHAWALIA)
JUDGE