

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.9267 of 2016
Decided on : 24.05.2016

Shanti Devi

... Petitioner

Versus

State of Punjab & others

... Respondents

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

Present : Mr.Rahul Sharma, Advocate, for the petitioner.

G.S. Sandhawalia , J. (Oral)

Petitioner seeks release of balance amount of Leave Encashment and Gratuity, along with interest @ 18% per annum, on account of delayed payment.

It is the case of the petitioner that she was appointed as Safai Sevika with respondent No.5-Municipal Council, Kotkapura, District Faridkot on 22.04.1983 and retired on 30.04.2013 (Annexure P1). She has only received part of her retiral benefits as the balance amount of Gratuity and Leave Encashment has not been paid, inspite of approaching the said respondent many times. Representation dated 10.11.2015 (Annexure P2) was also made but of no avail.

Counsel submits that no complaint or charge-sheet is pending against the petitioner and she would be satisfied if the said representation is decided within a fixed time-frame.

Notice of motion.

Mr.R.S.Sidhu, AAG, Punjab accepts notice on behalf of the respondents No.1 to 4. 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.5 decides the said claim, within a period of 2 months from today and ensure that the dues are paid to the petitioner. The said respondents shall also take into consideration the entitlement of the petitioner for payment of interest on the ground of delay beyond a period of 2 months, 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 monetary dues along with interest be disbursed to her, thereafter. In case the amount is to be denied, a speaking order be passed and the same be conveyed to the petitioner.

MAY 24, 2016
sailesh

(G.S. SANDHAWALIA)
JUDGE