

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCWP No. 9738 of 2016
Date of decision: 18.05.2016

Arun Kumar and others

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

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

Present: Mr. Sunny Singla, Advocate,
for the petitioners.**G.S.SANDHAWALIA, J. (Oral)**

The petitioners seek the release of pension and other retiral dues and it is their case that they were superannuated as Fireman, Mali-cum-Chowkidar and Junior Technicians from Nagar Council, Sangrur-respondent no. 4. The dates of joining and the dates of retirement are given as under:-

<i>Sr. No.</i>	<i>Name</i>	<i>Date of Regular</i>	<i>Date of Retirement</i>
1	Arun Kumar	09/07/79	30-11-2015
2	Joti Ram	01/04/76	31-08-2015
3	Jarnail Singh	25-09-1987	31-05-2015

It is the case of the petitioners that part payment of the retiral dues has been made as per the details given below:-

<i>Sr. No.</i>	<i>Name</i>	<i>Gratuity</i>	<i>Leave Encashment</i>	<i>Dues on retirement</i>
1	Arun Kumar	8,66,151	5,24,940,	13,91,091
2	Joti Ram	5,49,252	3,32,880	8,82,132
3	Jarnail Singh	5,00,080	3,57,200	8,57,280

<i>Received Payment</i>	<i>Cheque No. & Amount</i>	<i>Dated</i>	<i>Total Dues/Balance Amount</i>
1,50,000	(039422, Rs 1,00,000) (038466, Rs. 50,000)	31-12-2015, 8-01-2016,	12,41,091

<i>Received Payment</i>	<i>Cheque No. & Amount</i>	<i>Dated</i>	<i>Total Dues/Balance Amount</i>
1,73,349	1,00,000	15-09-2015	7,08,783
	73,349	17-12-2015	
2,00,000	2,00,000	31-05-2015	6,57,280

Accordingly, thereafter, balance amounts are still pending. Legal notice dated 02.02.2016 (Annexure P-2) had also been served upon the respondents but of no avail. Counsel further submits that he would be satisfied if the said legal notice is decided within a time bound frame.

Notice of motion.

Mr. R.S. Sidhu, AAG, Punjab accepts notice on behalf of respondent nos. 1 to 3. Copy of the writ petition has been supplied to him in Court.

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, the writ petition is disposed of with a direction to respondent nos. 2 and 3 to ensure that action is taken by respondent no. 4 on legal notice dated 02.02.2016 (Annexure P-2) within a period of 2 months from the date of receipt of certified copy of the order. If there is no legal impediment, the same shall be paid to the petitioners within a period of 1 month thereafter. The said respondents shall also ensure that the liability to pay the interest element due to the delay in disbursement is also decided in view of the Full Bench judgment of this Court in ***A.S.Randhawa Vs. State of Punjab & others 1997 (3) SCT 468***. Needless to say if the relief is to be denied, a reasoned order be passed and conveyed to the petitioners.

18.05.2016
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(G.S. SANDHAWALIA)
JUDGE