

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

**CWP No.24477 of 2015
Date of decision:13.09.2017**

Lila Ram and another

... Petitioners

Vs.

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- None for the petitioners.

Mr. I.P.S.Doabia, Addl.A.G.Punjab
for respondents No.1 to 3.

Mr. Aman Sharma, Advocate
for respondent No.4.

AJAY KUMAR MITTAL, J. (ORAL)

1. In this writ petition filed under Articles 226 and 227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of mandamus for directing the respondents to release gratuity to them as per the provisions of the Payment of Gratuity Act, 1972 and arrears of gratuity alongwith 18% interest from the due date till the date of actual payment in terms of the law laid down by this Court in CWP No.6905 of 2006.

2. In response to the notice having been issued, affidavit dated 31.05.2017 of Sh. Inder Gurpreet Singh, Executive Officer, Municipal Council, Kotkapura, District Faridkot on behalf of respondent No.4 has been filed, wherein it has been stated that amount of gratuity alongwith interest for the delayed period has been released to both the petitioners. The details of payments made have been given in paras 3 to 5 of the affidavit which read thus:-

“3. That it is respectfully submitted here that the petitioner No.1 Sh. Lila Ram retired as Junior Assistant from the office of the deponent on 28.02.2001. It is pertinent to mention here that the total gratuity payable as per the provisions of Payment of Gratuity Act, 1972 to petitioner No.1 is as under:-

Sr.No.	Details	Amount	Remarks
1	Gratuity as per CSR Rules	Rs.1,16,688/-	Paid
2	Gratuity as per Payment of Gratuity Act, 1972	Rs.17,952/-	Paid vide cheque No.136986 dated 23.11.2015
3	Total Gratuity	Rs.1,34,640/-	Paid
4	Interest @ 9% from June 2001 to November 2015, on the differential amount of gratuity	Rs.23,427/-	Paid vide cheque No.192498 dated 26.05.2017

4. That it is respectfully submitted here that insofar as petitioner no.2 Sh. Balkar Singh is concerned, he retired as

Junior Assistant from the office of the deponent on 31.12.2010.

It is pertinent to mention here that the total gratuity as per the provisions of Payment of Gratuity Act, 1972 as well as the leave encashment payable to petitioner No.2 is as under:

Sr.No.	Details	Amount	Remarks
1	Gratuity as per CSR Rules	Rs.4,96,683/--	Paid
2	Gratuity as per Payment of Gratuity Act, 1972	Rs.85,096/-	Paid
3	Total Gratuity	Rs.5,81,779/-	Paid
4	Leave Encashment	Rs.3,01,020/-	Paid
5	Interest @ 9% from April 2011 to January 2016 on the differential amount of gratuity	Rs.37,417/-	Paid vide cheque No.192499 dated 26.05.2017

5. *It is respectfully submitted here that all the retiral benefits including payment of gratuity as per the provisions of Payment of Gratuity Act, 1972 have been released to the petitioners by the office of the deponent and nothing is due to be paid.”*
3. In view of the above, it was stated by learned counsel for respondent No.4 that grievance of the petitioners has been redressed.
4. Accordingly, the writ petition has been rendered infructuous and the same is disposed of as such. However, liberty is granted to the

petitioners to move an application for revival of the writ petition in case something survives therein.

(AJAY KUMAR MITTAL)
JUDGE

(AMIT RAWAL)
JUDGE

September 13, 2017
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No