

CWP No. 20210 of 2017

DECIDED ON: SEPTEMBER 07, 2017

N.K. ARORA

.....PETITIONER

VERSUS

STATE OF HARYANA & ANR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Abhinav Gupta, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature certiorari for quashing order dated 14.01.2014 (Annexure P-2) passed by respondent No.2 whereby the respondent No.2 has refused to release the amount of gratuity as determined as per payment of gratuity Act, by the controlling authority on 25.11.2013 (Annexure P-1) and have modified the order of the competent authority by ordering release of gratuity amount of 1,39,476/- along with 10% interest to be released after adjusting the recoverable amount of more than 30 days leave encashment which comes to 1,61,361/- plus interest 1,15,416/- total of which comes to 2,76,777/- after making recoverable adjustment with further prayer for issuance of a writ in the nature of Mandamus

directing the respondents to refrain from recovering the amount against leave encashment, which stands already paid to the petitioner before the passing of the impugned order.

2. At the very outset, learned counsel for the petitioner has submitted that though a legal notice dated August 27, 2016 (Annexure P-4) was served upon the respondents and subsequent thereto, petitioner moved a representation dated March 01, 2017 (Annexure P-5) to respondent No.2 but till date neither any reply nor any conscious decision has been taken.

3. Learned counsel for the petitioner further submits that he feels satisfied in case a direction is issued to respondent No.2 to dispose of the representation (Annexure P-5) within a stipulated period.

4. Accordingly, instant petition is disposed of with a direction to respondent No.2 to look into the grievances unfolded by the petitioner in his representation dated March 01, 2017 (Annexure P-5) and to take a conscious decision in accordance with law by passing a speaking order, within a period of three months from the date of receipt of certified copy of this order. However, in case the petitioner still feels aggrieved by any of the order(s) passed by competent authority, he shall be at liberty to approach this Court.

SEPTEMBER 07, 2017
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>