

CWP No. 22495 of 2017

DECIDED ON: OCTOBER 03, 2017

ASHOK KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB & ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sunny Singla, 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 writ in the nature of certiorari for quashing the impugned letter dated May 22, 2017 (P-7) vide which gratuity has been fixed to ₹3,50,000/- instead of ₹10,00,000/-, which is contrary to the notification dated August 17, 2009 (P-3) and against the Articles 14 and 16 of the Constitution of India with further prayed for issuance of a writ in the nature of mandamus directing the respondents to release the revised gratuity and other pension benefits, as per notification dated August 17, 2009 (P-3) along-with interest on the delayed payment of gratuity in terms of statutory rules, Government instructions, and law laid down by Full Bench of this Court in R.S.

Randhawa vs. State of Punjab; 1997 (3) RSJ 318.

2. The contention of learned counsel for the petitioner is that petitioner stood retired on January 31, 2007 on attaining the age of superannuation and at that time, the limit of death-cum-retirement gratuity was only to the tune of ₹3,50,000/-, which stood enhanced/raised to the tune of ₹10,00,000/- by the Department of Finance, Government of Punjab vide its notification dated August 17, 2009, which was made applicable to the Government employees who retired/die in harness on or after January 01, 2006. But the petitioner has not been given the benefit of above-said notification (P-3). Even, a legal notice dated June 26, 2017 (P-8) was also served upon the respondents, which neither fetch any reply nor any action has been action has been taken by the respondents till date. Learned counsel for the petitioner further submits that he feels satisfied in case a direction is issued to respondent No.4 to consider and decide the legal notice (P-8) within a stipulated period.

3. Accordingly, instant petition is disposed of with a direction to respondent No.4 to look into the grievances unfolded by the petitioner in the legal notice (P-8) and to take a conscious decision in accordance with law, rules and instructions issued by Government of Punjab from time to time within a period of three months from the date of receipt of certified copy of this order. In case respondent No.4 comes to the conclusion that petitioner is entitled to the relief(s) claimed by him, to release the same within next 45 days. However, the matter with regard to grant of interest on delayed payment of gratuity be also considered in view of observations made by this Court in CWP No. 8772 of 2015 titled as **Charan Dass vs. State of Punjab & others**, decided on July 11, 2017 and by Full Bench of this Court in case captioned as **"A.S. Randhawa vs.**

State of Punjab and others; 1997 (3) SCT 468. However, if petitioner still feels aggrieved by any order of the afore-said authority, he shall be at liberty to approach this Court.

OCTOBER 03, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No