

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

CWP No. 268 of 2016 (O&M)

Date of Decision: 30.03.2017

SHAM LAL AND OTHERS

... Petitioner

VS.

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Raj Paul Kansal, Advocate,
for the petitioners.

Ms. Vandana Malhotra, Addl. A.G., Punjab.

Mr. Ashok Kumar Bazaz, Advocate,
for respondent No. 3.

Mr. Shekhar Kumar, Advocate,
for Mr. Nitin Kaushal, Advocate,
for respondents No. 4, 5 and 6.

Mr. Navdeep, Advocate,
for Mr. Ashok Kumar Arora, Advocate,
for respondent No. 8.

KULDIP SINGH, J (ORAL)

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India praying for issuance of writ in the nature of mandamus for directing respondents to release gratuity to the petitioners as per the provisions of the Payment of Gratuity Act, 1972 alongwith interest.

It comes out that the petitioners are the Class III and IV employee who retired from the services of their respective employers-respondents.

Learned counsel for the respondent No. 3-Municipal Council, Barnala has contended that they have paid the payment to their 16 retired employees.

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Since, it is a case of claim of gratuity under the Payment of Gratuity Act, 1972 the petitioner has already served a legal notice dated 26.11.2015 (Annexure P-1) to their employers. Now, the short prayer of the petitioners is that their employers/respondents be directed to decide the aforesaid legal notice of the petitioners within a specific time frame.

In the circumstances, the present writ petition is disposed of, with a direction to all of the employers/respondents No. 3 to 8 to decide the aforementioned legal notice dated 26.11.2015 (*Annexure P-1*) of the petitioners by passing a speaking order within a period of one month from the date of receipt of certified copy of this order and if it is found that there is no legal impediment in releasing the gratuity to the petitioners, the same shall be released forthwith alongwith interest as per Government instructions. However, if the same is not released to the petitioners, the petitioners are always at liberty to approach the authority under the Payment of Gratuity Act, 1972.

March 30, 2017
Suresh Kumar

(KULDIP SINGH)
JUDGE

<i>Whether speaking / reasoned</i>	:	✓ Yes	/	No ✓
<i>Whether Reportable</i>	:	Yes	/	No