

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 23874 OF 2017
DECIDED ON: OCTOBER 24, 2017

P.D. GEORGEKUTTY

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. R.K. Arora, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus directing the respondents to release due amount of transportation charges and home town travelling allowance amounting to ₹91,605/- along with interest @ 18% per annum in terms of entitlement determined vide letter dated 05.05.2017 (P-14).

2. Notice of motion.

3. At the asking of the Court, Ms. Devaki Anand Sullar, AAG, Punjab has accepted notice on behalf of the respondents-State. Copy of the petition be supplied to learned State counsel, during the course of the day.

4. In view of the relief claimed by the petitioner through instant petition and the order going to be passed for the disposal thereof, this Court is of the considered view that it would not be necessary to ask the respondents to file any

reply and matter can be disposed of in the absence thereof.

5. Undisputably, the petitioner made request for the payment of the home town LTC and transportation charges from Jalandhar City to Kodumon (Kerala) vide letter dated 20.03.2017 (Annexure P-12) and the Excise & Taxation Commissioner, Punjab, Patiala vide letter dated 05.05.2017 (Annexure P-14) concluded that the amount so claimed by the petitioner on account of home town LTC and Transportation charges are payable to the petitioner in pursuance of Govt. letter No.18/10/09-04F.P.2/440 dated 31.08.2009 as per recommendation of 5th Pay Commission.

6. The payment of the aforesaid amount is being delayed by the respondents simply on the ground that funds are not available in the office for the preparation of bills, which is no excuse as the amount being awarded or granted to the petitioner is not a bounty but his hard earned money, who has retired on attaining the age of superannuation on 31.07.2013.

7. Without expressing much on the matter, the instant petition is disposed of with the direction to the respondents particularly respondent No.2- Excise and Taxation Commissioner, Punjab, Patiala to release/disburse the amount recited in letter dated 05.05.2017 (Annexure P-14), within a period of one month from the date of receipt of certified copy of this order.

8. However, if the petitioner still feels aggrieved against the order passed by the concerned authority, he shall be at liberty to approach this Court.

OCTOBER 24, 2017

sonika

Whether speaking/reasoned Yes

(JASPAL SINGH)
JUDGE

Whether reportable

Yes/No