

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 24322 OF 2017
DECIDED ON: OCTOBER 27, 2017

GURCHAIN SINGH

.....PETITIONER

VERSUS

THE PATIALA DISTRICT COOPERATIVE
MILK PRODUCERS UNION LTD., PATIALA
THROUGH ITS GENERAL MANAGER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Abhivadya Sood, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

Through instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ especially in the nature of mandamus directing the respondents release the arrears of the retiral benefits w.e.f. 22.06.2017 along with all consequential service benefits along with interest @ 18% p.a.

2. The contention of learned counsel for the petitioner is that the amount of ₹7,72,353/- was sanctioned on account of gratuity and leave encashment to the petitioner vide sanction orders dated 26.05.2017 (Annexure P-5). However, subsequently, vide cheque No.047702, dated 06.09.2017, a sum of ₹6,42,353/- has been paid but the remaining amount to the tune of ₹1,30,000/- has not so far been paid by the respondents till date, despite

the fact that petitioner has approached the concerned authorities number of times. Even a legal notice dated 09.10.2017 served by the petitioner did not fetch any reply.

3. Taking into consideration the aforesaid aspects of the case, the instant petition is disposed of with the direction to the respondents to consider the legal notice dated 09.10.2017 and release the remaining amount, within a period of one month from the date of receipt of certified copy of this order and on failure to do so, within a stipulated period of one month, the petitioner shall be entitled to interest @ 9% after three months from the date of his retirement till its realization.

4. 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 27, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes*

Whether reportable *Yes/No*