

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

Sr. No.113

Civil Writ Petition No.25841 of 2017
DECIDED ON: November 14, 2017

S.K. RATRA

..PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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

JASPAL SINGH, J. (ORAL)

Through the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of certiorari for quashing order dated 09.01.2014 (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 controlling authority on 29.04.2013 (P-1) and have modified the order of the competent authority by ordering release of gratuity amount of Rs.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 Rs.1,61,361/- plus interest Rs.1,15,416/- total of which comes to Rs.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 passing of the impugned order.

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2. Learned counsel for the petitioner contends that though a legal notice was made to the Managing Director, Haryana State Minor Irrigation Tubewell Corporation, Sinchai Bhawan, 4th Floor, Sector 5, Panchkula, Haryana on August 27, 2016 (P-4) but till date neither any reply to the said legal notice has been received nor any final order has been passed by the concerned Department.

3. Learned counsel for the petitioner further submits that he feels satisfied in case a direction is issued to respondent No.2 to decide his legal notice dated August 27, 2016 (P-4) within some specified period.

4. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondents No.2- Managing Director, Haryana State Minor Irrigation and Tubewells Corporation, Sinchai Bhawan, 4th Floor, Sector 5, Panchkula, Haryana to look into the grievances unfolded by the petitioner in his legal notice dated August 27, 2016 (P-4) 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 a certified copy of this order.

5. However, in case the petitioner still feels aggrieved by any of the order(s) passed by the competent authority, he shall be at liberty to approach this Court.

November 14, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**