

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.857 of 2017
Date of decision:13.09.2017

Neelam Rani

... Petitioner

Vs.

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. B.S.Mittal, Advocate
for the petitioner.

Mr. I.P.S.Doabia, Addl.A.G.Punjab
for respondents No.1and 2.

Mr. Aman Sharma, Advocate
for respondent No.3.

AJAY KUMAR MITTAL, J. (ORAL)

1. In this writ petition filed under Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus for directing the respondents to release the Provident Fund, Gratuity, leave-encashment, arrears of Dearness Allowance, arrears of seven months salary and other due retiral benefits with interest @ 12% per annum.

2. In response to the notice having been issued, a photocopy of additional affidavit dated 06.07.2017of Sh. Baljit Singh, Executive Officer, Municipal Council Rampura Phul, District Bathinda, on behalf of respondent No.3 has been filed in Court today, wherein it has been stated

that the entire retiral benefits have been paid to the petitioner. The details of the payments made have been given in paras 2 and 3 of the affidavit which read thus:-

“2 That it is respectfully submitted here in compliance with the directions passed by this Hon'ble Court, the office of the deponent has released the total retiral benefits as mentioned below:

Sr. No.	Head of Payment	Amount Due	Amount Paid	Remarks
1	Gratuity	Rs.10,00,000/-	Rs.10,00,000/-	Total retiral benefits alongwith interest @9% has been paid to Smt. Neelam Rani
2	Leave Encashment	Rs.5,65,920/-	Rs.5,65,920/-	
3	PF	Rs.2,65,490/-	Rs.2,65,490/-	
4	Salary from July 2016 to September 2016	Rs.1,73,163/-	Rs.1,73,163/-	
5	Interest @ 9% on delayed payments	Rs.50,793/-	Rs.50,793/-	
	Total	Rs.20,55,366/-	Rs.20,55,366/-	

3. That it is reiterated here that due to the financial crunch being faced by the office of the deponent, the entire retiral benefits to the petitioner could not be paid in time, however, the same has now been paid and nothing is due to be paid to the petitioner. The delay in releasing the aforesaid amount is neither intentional nor deliberate, however, the same has occurred due to circumstances beyond the control of the answering respondent.”

3. In view of the above, it was stated by learned counsel for respondent No.3 that grievance of the petitioner has been redressed.

4. Accordingly, the writ petition has been rendered infructuous and the same is disposed of as such. However, liberty is granted to the petitioner to move an application for revival of the writ petition in case something survives therein.

(AJAY KUMAR MITTAL)
JUDGE

(AMIT RAWAL)
JUDGE

September 13, 2017
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No