

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.897 of 2017
Date of decision:13.09.2017

Malkit Singh

... 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.1 and 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 Provident Fund, Gratuity, Leave-encashment, arrears of Dearness Allowance, arrears of six months salary and other due retiral benefits with interest @ 12% per annum.

2. In response to the notice having been issued, additional affidavit dated 20.04.2017 of Sh. Maninder Pal Singh, Executive Officer, Municipal Council Rampura Phul, District Bathinda on behalf of respondent No.3 has been filed, wherein it has been stated that the entire retiral dues

have been paid to the petitioner. The details of the payments made have been given in paras 8 and 9 of the affidavit which read thus:-

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

Sr. No.	Head of Payment	Amount Due	Amount Paid	Remarks
1	Gratuity	₹ 8,93,094/-	₹5,00,000/- paid vide cheque No.000329 dated 11.04.2017	NIL
2	Leave Encashment	₹ 4,62,674/-	₹6,00,000/- paid vide cheque No.000333 dated 11.04.2017	
3	P.F.	₹ 2,08,365/-		
4	Salary from August 2016 to September 2016	₹ 1,00,404/-	₹6,06,882/- paid vide cheque No.031230 dated 19.04.2017	
5	Interest on late payments	₹ 42,345/-		
	Total	₹ 17,06,882/-	₹.17,06,882/-	NIL

9. 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 have not been paid in time. However, it is pertinent to mention here that the entire retiral benefits alongwith interest @9% has been released to the petitioner by the deponent. 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