

**CWP No. 12778 of 2018
DECIDED ON: MAY 21, 2018**

RAMVATI DEVI

.....PETITIONER

VERSUS

UTTAR HARYANA BIJLI VITRAN NIGAM LTD. AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Parveen Kumar Rohilla, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of mandamus directing the respondents to release the withheld amount of terminal benefits i.e. gratuity etc. with interest @18% per annum.

2. The contention of learned counsel for the petitioner is that petitioner moved various representations to the respondents for the release of withheld amount of gratuity but the amount has not been released to her till date. Petitioner constrained to serve legal notice dated 24.09.2017 (P-9) upon the respondents but despite the fact that a period of more than six months has elapsed neither any reply to the notice has been received nor any conscious decision has been taken by the authorities concerned. He further submits that petitioner feels satisfied in case direction is issued to respondent(s) to decide aforesaid legal notice (P-9), within a stipulated period

3. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondent(s) to look into the grievances unfolded by the petitioner in legal notice dated 24.09.2017 (Annexure P-9) and to decide the same in accordance with law, rules and regulations and particularly in view of instructions dated 22.10.2002 (P-3) and also in view of the judgment rendered by Hon'ble Division Bench of this Court in CWP No. 777 of 2008, titled as Anita Rani vs. UHBVNL and others; decided on 07.08.2008, within a period of two months from the date of receipt of certified copy of this order. In case the authority comes to the conclusion that the petitioner is entitled to the relief set out in the legal notice (P-9), to calculate and release the same within next 45 days. The grant of interest shall also be considered in view of Instructions No. 1/2(152) 01-2 FR II, dated 20.02.2002 issued by the Government of Haryana, on the delayed payment(s).

4. However, if the petitioner still feels aggrieved against any of the order(s) passed by the concerned authority, she shall be at liberty to have recourse to the remedies available under law as well as to approach this Court.

MAY 21, 2018
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>