

**CWP No. 13129 of 2018
DECIDED ON: MAY 23, 2018**

BALBIR SINGH AND ANR

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Gagneshwar Walia, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226 of the Constitution of India, petitioners have sought the issuance of a writ in the nature of mandamus directing the respondents to release them the revised pensionary/retiral benefits including revised gratuity, leave encashment, arrears of pension and pay on account of re-designation and placement of the petitioners as Junior Assistant in terms of order dated 19.03.2015 (P-3) and also in terms of order dated 14.07.2016 (P-5) vide which similar benefit has already been granted to similarly situated persons in MC Batala with further direction to respondents to release the revised gratuity to them as per the provisions of the Payment of Gratuity Act, 1972 along-with arrears of gratuity along-with 18% of interest from the date of entitlement till the date of actual payment in terms of the judgment passed in CWP No. 15423 of 2008, Municipal Council, Pathankot vs. Appellate Authority, decided on 22.09.2008 (P-6), which was upheld by

Hon'ble Apex Court on 08.07.2014 (P-7) and the review petition has been dismissed and similar relief of revised gratuity has already been granted to other identical/similarly set of employees by the respondents vide order dated 28.08.2015 and 30.07.2016 (P-10 Colly).

2. At the very outset learned counsel for the petitioner submits that even though the petitioners served legal notice dated 10.02.2018 (P-11) upon the respondents but till date neither any response to the notice has been received nor any conscious decision has been taken. He further submits that petitioners feel satisfied in case a direction is issued to respondents to consider and decide the afore-said legal notice (P-11) within a time bound manner.

3. Without expressing any opinion on merit as well as in view of submission made by learned counsel for the petitioners, instant petition is disposed of with a direction to respondents to look into the grievances unfolded by the petitioners in the legal notice dated 10.02.2018 (P-11) and to decide the same in accordance with law, rules and regulation strictly, in view of judgments mentioned in the legal notice (P-11), within a period of three months from the date of receipt of certified copy of this order.

4. However, in case the petitioner feels aggrieved by any in-action of the afore-said authority, he shall be at liberty to have recourse to other remedies available to him under law including to approach this Court.

MAY 23, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*