

CWP No. 22595 of 2018

DECIDED ON: SEPTEMBER 06, 2018

BHAJAN SINGH AND ORS

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Riti Aggarwal, Advocate
for the petitioners.

JASPAL SINGH, J (ORAL)

Through the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioners have sought the issuance of a writ in the nature of Mandamus directing the respondents to pay 9% interest on delayed payment of gratuity under Payment of gratuity Act, 1972, as per the provisions contained in Sections 7 & 8 of the Gratuity Act, 1972.

2. Learned counsel for the petitioners contends that though legal notice 29.05.2018 (P-7) but till date neither any reply to the said notice has been received nor any final order has been passed by the concerned Department. He further submits that they feel satisfied in case a direction is issued to respondents to decide the aforesaid legal notice , within some specified period.

3. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondents to consider and pass a specific order on the legal notice dated 29.05.2018 (P-7) particularly in light of judgment passed by Full Bench of this Court in case *A.S. Randhawa vs. State of Punjab & Ors., 1997 (3) SCT 468* as well as the judgments rendered in CWP No.13240 of 2015, captioned as *Harnek Singh & ors. vs. State of Punjab & ors.*, decided on 08.08.2016 and CWP No.17932 of 2015, titled as *Gurcharan Lal Bhatia & ors. vs. State of Punjab & ors.*, decided on 03.05.2018 and orders dated 07.02.2017 (P-5) passed by the Director-cum-Special Secretary stated to have been passed in a similarly situated employees, within a period of two months from the date of receipt of a certified copy of this order. In case the authority comes to the conclusion that petitioner is entitled to the relief(s) claimed through the instant petition, to make the payment thereof, within next one month.

4. However, if petitioners still feel aggrieved by any of the orders passed by the aforesaid authority, they shall be at liberty to approach this Court.

SEPTEMBER 06, 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>