

CWP-13543-2016

Date of decision: 16.07.2019

BALWINDERPAL

...PETITIONER

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Surmeet Singh Sandhu, Advocate for
Mr. Gagneshwar Walia, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

Ms. Babita, Advocate for
Mr. A.K. Arora, Advocate
for respondent No.4.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the grievance which is being raised by the counsel for the petitioner is that the petitioner retired from service on 29.02.2016, and his pensionary benefits were not released by the respondents.

Counsel for respondent No.4-Municipal Council, Batala, where the petitioner was employed, argues that the benefit for which the petitioner was entitled for, have already been released and the same were released by August, 2016 and therefore, no further claim of the petitioner survives. The reply of the respondent No.4 is as under:-

That the deponent has released the entire amount of retirement benefits i.e. gratuity, leave encashment, provident fund and difference of gratuity as per Gratuity Act, 1972 to the petitioner by 07.09.2016, A total of Rs. 23,17,602/- has been paid to the petitioner on

various dates and last payment was made for the difference of gratuity vide cheque no. 000573 dated 07.09.2016 for a sum of Rs. 1,49,738/-, Detail of the various payments made to the petitioner is annexed herewith as Annexure R-4/1.

That the deponent has filed the short affidavit in reply to the petition in hand and reserves his right to file the detailed affidavit in case it requires or ordered by this Hon'ble Court.

Counsel for the petitioner does not dispute that the payment that has been stated in the reply, has been received by the petitioner.

Counsel for the petitioner prays that the petitioner be given liberty to approach the respondents claiming interest on the delayed release of payment by filing appropriate representation.

Counsel for the respondents states that in case any representation is received from the petitioner claiming interest, the same will be decided expeditiously not later than three months from the date of receipt of the same and by passing a speaking order in respect of the claim raised therein.

Counsel for the petitioner states that in view of the statement, he does not press this writ petition any further.

The present writ petition stands disposed of, as not being pressed.

16.07.2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No