

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

(110)

CWP-30128-2019

Date of Decision: November 06, 2019

Sushil Kumar

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. D.K. Bhatti, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioner states that the petitioner retired from service on attaining the age of superannuation on 30.04.2019 but all the benefits for which petitioner is entitled, have not been released by the respondents. Counsel for the petitioner argues that there is a dispute, which is being created by the respondents, with regard to the payment of gratuity to the petitioner though, under Rule 3.19 of the State Urban Development Society and Haryana Employees Service Rules, 2006, every employee is entitled for gratuity at the rate of one month for each completed year subject to the maximum 30 months. Learned counsel for the petitioner states that the said benefit has already been allowed in favour of the other similarly situated employees but keeping in view the advice given by the Section Officer, the payment of gratuity of the petitioner herein has been withheld, and that too without any valid justification. Learned counsel for the petitioner argues that till the Rule 3.19 of 2006 Rules exist, the petitioner is entitled for payment of gratuity under the said Rule.

Learned counsel for the petitioner prays that a direction be issued to the respondents to release the pensionary benefits of the petitioner for which he is entitled under 2006 Rules forthwith.

Learned counsel for the petitioner states that for the relief which has been claimed in the present writ petition, the petitioner has submitted the representations dated 04.06.2019 (Annexure P-12), dated 19.06.2019 (Annexure P-13) and dated 05.08.2019 (Annexure P-14) with the respondents, which are still pending consideration and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the said representations by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by him in the representations dated 04.06.2019 (Annexure P-12), dated 19.06.2019 (Annexure P-13) and dated 05.08.2019 (Annexure P-14), the present writ petition is disposed of with a direction to the respondents to decide the representations dated 04.06.2019 (Annexure P-12), dated 19.06.2019 (Annexure P-13) and dated 05.08.2019 (Annexure P-14), within a period of three months from the receipt of certified copy of this order.

In case, it is found that the petitioner is entitled for any monetary benefits after the decision of the representations, the same should also be paid to him within three months thereafter.

November 06, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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