

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

CWP No. 31736 of 2019

Date of decision : 02.11.2019

Baldev Singh Bhullar

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. K.K. Thakur, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner states that the petitioner retired on attaining the age of superannuation on 31.03.2016 and on the said date, there were no proceedings pending against the petitioner, either before the department or before any Competent Court of Law, which would entitle the respondents to withhold the gratuity of the petitioner but despite the fact that more than three and half years have elapsed since petitioner retired, the gratuity amount for which the petitioner is entitled for after his retirement, has not been released to him.

The prayer of the petitioner is for issuance of a direction to the respondents to release the amount of gratuity.

Admittedly, the petitioner has not made any claim with regard to the grant of gratuity to the respondents, rather as per the averments made in para 8 of the writ petition, the petitioner had approached the

competent authority under the Payment of Gratuity Act, 1972 and even the result of the said proceedings has not been attached with the writ petition. No mandamus can be issued without there being claim raised by the petitioner with regard to the gratuity before the competent authority.

Faced with this situation, learned counsel for the petitioner states that he be allowed to withdraw the present writ petition with liberty to approach the respondents for the redressal of his grievance as raised in the present writ petition.

Dismissed as withdrawn, with the liberty, as prayed for.

November 02, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No