

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

(134)

CWP No. 37300 of 2019

Date of Decision : 20.12.2019

Satnam Singh

....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Alankrit Bhardwaj, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner states that on the day, when the petitioner retired on 30.04.2012, there was a show cause notice dated 08.02.2012 pending against the petitioner, due to which, the gratuity of the petitioner was withheld. Learned counsel for the petitioner further states that the said show cause notice was dropped by the respondents on 20.04.2017 and after dropping of the same, the gratuity was released to the petitioner on 30.09.2017. Learned counsel for the petitioner argues that once, the show cause notice, due to which, the gratuity of the petitioner was withheld, was dropped subsequently, petitioner will be entitled for interest on the gratuity amount as the pendency of the show cause notice, which was later on withdrawn, cannot cause prejudice to the petitioner. Learned counsel further argues that even the benefit of leave encashment and the

arrears of the salary including the revised pension was paid to the petitioner only in September, 2017 on which amount, petitioner will be entitled for interest as these amount were wrongly withheld by the respondents without any valid justification.

Learned counsel for the petitioner states that for the relief, which has been claimed in the present writ petition, petitioner has served the respondents with a legal notice dated 08.08.2019 (Annexure P-5), which is still pending consideration and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to respondent No. 2 to decide the said legal notice by passing an appropriate speaking order.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioner, respondent No. 2 is directed to decide the legal notice dated 08.08.2019 (Annexure P-5) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order. In case after the decision, it is found that the petitioner is entitled for any monetary benefit, the same shall also be released to him within a period of next three months.

Writ petition stands disposed of accordingly.

December 20, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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