

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(110)

CWP No. 1103-2020

Date of Decision : 16.01.2020

Major Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Virinder K. Shukla, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner argues that the petitioner retired on attaining the age of superannuation on 31.01.2015 and though, his gratuity has already been sanctioned on 01.12.2016, the same is yet to be released by the respondents. Learned counsel argues that there is no impediment in the release of the gratuity of the petitioner as there are no proceedings either Departmental or before any Competent Court of Law pending against the petitioner, which would entitle the respondents to withhold the same but without any valid justification despite the fact that approximately five years have elapsed, the gratuity of the petitioner is yet to be released by the respondents. The prayer of the petitioner is for issuance of a direction to respondent No. 2 to release the gratuity of the petitioner forthwith alongwith interest.

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 18.11.2019 (Annexure P-5), which is still pending consideration with the respondents 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 a time bound manner.

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 18.11.2019 (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.

January 16, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

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