

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

**CWP No.7123 of 2020 (O&M)
Date of decision : March 19, 2020**

Col. Fateh Singh Virk (Retd.) **Petitioner**

Versus

The State of Punjab and another **Respondents**

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. D.D. Singla, Advocate for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner states that the benefit of the Notification dated 26.05.2014 (Annexure P-2) by revising the pay of the petitioner and the grant of increased emoluments has already been extended to the petitioner by the respondents, vide letter dated 27.03.2017 (Annexure P-3).

Learned counsel for the petitioner submits that from March, 2017 onwards, the petitioner was paid the increased emoluments and as per the letter dated 27.03.2017 (Annexure P-3), the arrears of the increased emoluments were to be given from the date of the issuance of the Notification dated 26.05.2014 (Annexure P-2) and the arrears were to be paid after the receipt of the grant from the Government.

Learned counsel for the petitioner argues that though, approximately three years have lapsed since the issuance of the letter dated 27.03.2017 (Annexure P-3) but no benefit of the arrears has been extended to the petitioner, though grant of the financial year 2017-18, which was the requirement for the release of the arrears, has already been received by the respondents.

Learned counsel for the petitioner further states that though, the petitioner has already voluntarily retired from service on 29.11.2018 but no gratuity has been released to him so far despite expiry of approximately one and half year. Prayer of the petitioner is that the respondents be directed to release the arrears, keeping in view the letter dated 27.03.2017 (Annexure P-3) as well as gratuity forthwith.

Learned counsel for the petitioner submits that for the relief, which has been claimed in the present writ petition, the petitioner has already served a legal notice dated 06.01.2020 (Annexure P-5) upon the respondents, which is still pending consideration with respondent No.2 and the petitioner will be satisfied at this stage, if a time bound direction is issued to the respondents to decide the same by passing an appropriate speaking order in accordance with law.

In view of the request made, without expressing any opinion on the merits of the case or on the claim being made by the petitioner, respondent No.2 is directed to decide the legal notice dated 06.01.2020 (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.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)

JUDGE

March 19, 2020

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Whether speaking / reasoned

Yes

Whether Reportable:

No