

S.No.108

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

CWP No.20748 of 2020 (O&M)

Date of Decision:04.12.2020

Major Balwinder Singh (Retd.)

.....Petitioner

Vs.

The State of Punjab and another

.....Respondents

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IN VIRTUAL COURT
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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Articles 226 and 227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to release the retiral benefits i.e. payment of gratuity along with arrears of revised pay from 26.05.2014 to February, 2017, payment of arrears of annual increments from the date when the same become due in favour of the petitioner along with interest thereon.

It is submitted by counsel for the petitioner that although the salary of the petitioner was revised while he was in service, however, the gratuity was not paid to him as per the salary drawn by him. It is further submitted that similar issue has already been considered and decided by this Court in CWP No.7112 of 2020. It is also submitted by counsel for the

petitioner that the petitioner has already served a legal notice dated 06.01.2020, at Annexure P.5 to the respondents. The petitioner would be satisfied, at this stage, if the respondents are directed to take a conscious decision on the legal notice of the petitioner.

Notice of motion.

Mr. T.P.S. Chawla, DAG, Punjab, accepts notice on behalf of the state. Learned State Counsel also does not have objection to the expeditious disposal of the claim of the petitioner.

Accordingly, the present petition is disposed of with a direction to the respondents to consider and take a final decision on the legal notice, attached at Annexure P.5 with this petition, within a period of three months from the date of receipt of copy of this order. It is further ordered that in case the petitioner is found entitled to any benefit on account of such decision, then the said benefit shall also be released to the petitioner within a further period of one month from the date of the above-said conscious decision.

December 04, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No