

Sr. No.114

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

**CWP-8942 of 2020 (O&M)**

**Date of Decision: 01.07.2020**

**Mohan Lal**

**...Petitioner**

**Versus**

**State of Punjab and others**

**... Respondents**

**CORAM:- HON'BLE MR. JUSTICE ARUN MONGA**

Present:- **Mr. Gagneshwwar Walia, Advocate,  
for the petitioner.**

**Ms.Anu Pal, DAG, Punjab.**  
(Presence marked through video conference)

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**ARUN MONGA, J.(ORAL)**

The petitioner herein seeks issuance of a writ in the nature of mandamus directing the respondents to release his retiral benefits including commuted pension, gratuity, leave encashment, provident fund etc.

2. Learned counsel for the petitioner contends that petitioner was serving as Safai Sewak on regular basis. After putting in service for more than 40 years, he retired on 31.12.2019. It is further contended that even after a lapse of more than five months, retiral benefits of the petitioner have not been released to him. In support of his contentions, learned counsel has relied upon a judgment rendered by this Court in case titled as “*Vinod Kumari Sharma v. State of Punjab and others*” 2019 (3) SCT 351, contained at Annexure P-3.

3. Learned counsel further submits that petitioner also caused issuance of a Legal Notice dated 10.03.2020 (Annexure P-2), but the same has not been adverted till date by the respondents. Hence, the writ petition.

4. Notice of motion.
5. Ms. Anu Pal, DAG Punjab, who has joined proceedings, on service of advance copy of petition, accepts notice on behalf of State of Punjab.
6. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.
7. Without commenting on the merits of the case, the writ petition is disposed of with a direction to the competent authority to objectively consider the legal notice dated 10.03.2020 (Annexure P-2) and also by keeping in view the contentions stated in the present writ petition by treating it as a supplementary representation and pass a speaking order, in accordance with law. Further the competent authority while passing the speaking order shall take into consideration the judgment, *ibid*, contained at Annexure P-3.
8. Let the needful be done within a period of 45 days from today. In case, a favorable order is passed, benefit thereof be accorded to petitioner within 30 days thereafter.
9. Disposed of in above terms.

**01.07.2020**  
shalini

**(ARUN MONGA)**  
**JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No