

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-11426-2020

Date of Decision : 07.08.2020

Ashok Kumar

....Petitioner

Versus

State of Haryana and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Deepak Sonak, Advocate for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

2. Prayer in the petition under Articles 226/227 of the Constitution of India is for the issuance of a writ of Mandamus for directing the respondents to release the amount of Rs.1,76,825/- along with interest@ 9% per annum w.e.f. 30.04.2017 on account of withholding of the said amount from the gratuity of the petitioner despite order of recovery passed against the petitioner having been set aside by this Court vide order Annexure P/2 dated 21.03.2017, in CWP No.14359 of 2015 and the said order having attained finality.

3. At the very outset, learned counsel for the petitioner states that the petitioner has served legal notice Annexure P/4 dated 22.10.2019, but the same has not been decided till date and that in the circumstances, the petitioner would be satisfied, if the writ petition is disposed of by directing respondent No.5, (especially in view of the fact that the claim of the

petitioner as raised in Annexure P/4 has already been accepted by respondent No.4 and forwarded to respondent No.5) to consider and decide the claim as made in legal notice Annexure P/4 dated 22.10.2019, in accordance with law as expeditiously as possible.

4. Notice of motion to respondent No.5 only.

5. Mr. Hitesh Pandit, Addl. AG, Haryana, accepts notice on behalf of respondent No.5 and states that he has no objection to the limited prayer of learned counsel for the petitioner.

6. Accordingly, in the light of the position as noted above and without commenting on the merits of the controversy or the entitlement of the petitioner to the relief claimed, the writ petition is disposed of by directing respondent No.5 to consider and decide the claim as made in representation/legal notice Annexure P/4 dated 22.10.2019, in accordance with law, by taking into account all aspects of the matter as expeditiously as possible, preferably within four weeks from the date of receipt of certified copy of this order and in case the petitioner is found entitled to the relief claimed, to make payment to him of amount found due and payable within two weeks thereafter.

(B.S. Walia)
Judge

August 07, 2020

'ps/rajesh

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