

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

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CWP-8748-2021

Decided on : 23.04.2021

Surender Singh

... Petitioner

Versus

State of Haryana & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Ms.Sangita Dhanda, Advocate, for the petitioner.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for issuance of directions to the respondents to decide the legal notice dated 22.02.2021(Annexure P-7). Resultantly, retiral benefits like Leave Encashment, Gratuity which are payable from 30.11.2019 i.e. the date of superannuation, after 32 years of service with the Family Welfare Planning Centre-respondent/Society i.e. the Red Cross Society, Rewari is asked for along with interest.

Counsel has submitted that as per the communication dated 02.12.2019 (Annexure P-2), the Deputy Commissioner, Rewari has addressed communication to respondent No.2 that the petitioner was retiring as MPHWW (M) (Regional Worker) on 30.11.2019 and therefore, a sum of Rs.13,22,134/- was payable on account of Gratuity and Leave Encashment. The petitioner was informed regarding this aspect on 04.12.2019 (Annexure P-3). It is submitted that despite serving a legal notice dated 22.02.2021(Annexure P-7), no action has been taken by the respondent-Society.

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Notice of motion.

Mr.R.K.S.Brar, Addl.A.G., Haryana accepts notice on behalf of the respondents.

Keeping in view the fact that retiral benefits have to be paid, this Court does not feel it necessary to call upon the respondents to file reply as it would only delay the decision making process.

Resultantly, the present writ petition is disposed of, directing respondent No.2 to take action on the legal notice dated 22.02.2021 (Annexure P-7), within a period of 4 weeks from the receipt of a certified copy of this order. In case the retiral benefits are found due, same shall be paid to the petitioner within a period of one month, thereafter, along with interest @ 7% per annum from 2 months of the date of his retirement. In case there is any legal impediment in granting the said benefits, reasoned order be passed by the said respondent and communicated to the petitioner.

APRIL 23, 2021

sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No