

CWP-22867-2021

Date of decision: 11.11.2021

Gurmukh Singh

.....Petitioner

versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Vishal Sharma, Advocate
for the petitioner.**FATEH DEEP SINGH, J. (ORAL)**

The petitioner has invoked the jurisdiction of this Court in terms of Articles 226/227 of the Constitution of India seeking prayer by way of writ of *mandamus* for issuance of directions to the respondents to grant the retirement benefits of the petitioner on his retirement on 31.03.2018 including leave encashment of Rs.3,83,858/- and gratuity of Rs.7,7,550/- (total Rs.11,59,408/-) as the gratuity was to be paid @ Rs.10.00 lacs after amendment to the Gratuity Act, 1972 from 24.05.2010 which became applicable to the Cooperative Societies as per instructions dated 05.07.2010 (Annexure P-3) but the gratuity of the petitioner was calculated @ maximum limit of Rs.3.50 lacs and total retirement dues were calculated after pre audit to the tune of Rs.7,33,850/- only instead of

Rs.11,59,408/- for the service rendered in respondent No.5 society from 19.11.1980 to 31.03.2018 with 18% interest for delayed payments till the actual date of payment.

Notice of motion to the official respondents.

Mr. Nikhil Chopra, DAG, Punja puts in appearance and accepts notice on behalf of the respondents-State. Copy supplied.

Heard.

Upon hearing learned counsel of both the sides and on perusal of the records, the present petition stands disposed off with the directions to the official respondents to consider the representation dated 03.01.2020 (Annexure P-9) and legal notice dated 26.07.2021 (Annexure P-11) moved by the petitioner and decide the same in accordance with law, by passing a speaking order preferably within a period of one month from the date of receipt of the certified copy of this order.

If found entitled and if there is no impediment for the release of payment, the same be granted to the petitioner without any delay, as per law.

The petition stands disposed off accordingly.

11.11.2021
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No