

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

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IN VIRTUAL COURT

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**CWP No. 1327 of 2022
Date of decision : 7.2.2022**

Roop Chand

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. J. S. Manipur, Advocate with
Mr. J.P. Meelu, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

This petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus, directing the respondents to release the gratuity, leave encashment, commutation of pension etc. to the petitioner along with interest @ 9% per annum, as the enquiry proceedings were concluded vide Office Order No. 43/GFD dated 2.3.2016 (Annexure P-1) and Office Order No. 37 GPF dated 4.1.2019 (Annexure P-2), Office Orders No. 23, 26, 27 dated 17.6.2016 were withdrawn and penalty of recovery of Rs.54010+5532= 59,542/- was imposed, which was the basis of withholding the aforesaid benefits after attaining the age of superannuation on 31.3.2015. In the alternative, it is prayed that the respondents be directed to take final decision on the legal notice (Annexure P-3) within a stipulated time.

At the outset, counsel for the petitioner submits that the petitioner would be satisfied if the respondents pass a speaking order on legal notice dated 8.9.2021 (Annexure P-3) within a time frame.

Notice of motion.

Mr. Rajesh Gaur, Addl. AG, Haryana accepts notice on behalf of respondents. Even counsel for the respondents is not averse to the expeditious disposal of the claim of the petitioner.

In view of the above, the present petition is disposed of with a direction to respondent No.2 to decide the legal notice issued by the petitioner dated 8.9.2021 (Annexure P-3) and take a conscious decision thereon by passing a speaking order; within a period of 3 months from the date of receipt of the certified copy of this order.

It is further ordered that if the petitioner is found entitled to any pecuniary benefits upon such a conscious decision; then the said pecuniary benefits shall also be released to the petitioner within a further period of 3 months; from the date of such conscious decision of the authorities.

(RAJBIR SEHRAWAT)
JUDGE

7.2.2022
Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No