

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

108-1

**CWP No.17779 of 2022 (O&M)
Date of Decision: 31.08.2022**

Sunil Dutt

....Petitioner

VERSUS

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Ms. G.K. Mann, Senior Advocate with
Ms. Simrat Kaur, Advocate for the petitioner.

VIKAS SURI, J. (Oral)

In the present petition under Article 226/227 of the Constitution, the grievance of the petitioner is that though he retired on 31.10.2021 (wrongly mentioned as 28.03.2021 at a few places in the petition) from the post of clerk with the fourth respondent. There is no impediment for the release of the pensionary benefits as there are no departmental or criminal proceedings which are pending against the petitioner, which would entitle the respondents to withhold the pensionary benefits, still, all the dues for which he is entitled for after his retirement, have not been released.

Learned Senior Counsel appearing for the petitioner, on instructions, submits that the petitioner would be satisfied, at this stage, in case this petition be treated as representation and a final decision is taken there on by respondent No.2 in a time bound manner. Learned Senior counsel would point out that the case of the petitioner has been approved by the third respondent vide letter dated 21.04.2022 (Annexure P-5) after the same was duly verified by the Executive Officer of the fourth respondent i.e. Municipal Council, Payal, District Ludhiana. It is further submitted that the

petitioner has also made representation dated 11.01.2022 (Annexure P-4) seeking grant of 9 years' and 14 years' benefits under the ACP scheme and the same is still pending consideration. The pension case of the petitioner was recommended by the fourth respondent and sent for approval vide letter No.217 dated 11.04.2022; and sanction was accorded by the third respondent subject to checking of deposit of pension contribution vide office order dated 21.04.2022 (Annexure P-5). However, all the dues for which he is entitled for have not been released.

Notice of motion to that limited extent.

Ms. Ambika Bedi, A.A.G. Punjab accepts notice on behalf of respondent Nos.1 to 3.

Mr. T.S. Sidhu, Advocate accepts notice on behalf of respondent No.4. He submits that he has no objection in case this petition is treated as representation and the second respondent is directed to decide it in a time bound manner, in accordance with law.

Without going into the merits of the case or the claim being made by the petitioner in the present petition or in the representation(s), respondent No.2 is directed to look into the grievance raised by considering the present petition as a representation, including the claim raised in Annexure P-4 to the writ petition and take a decision in the matter by passing a speaking order within a period of two months from the date of receipt of certified copy of this order. In case, after the decision, petitioner is found entitled for any benefits, the same be also extended to him within a period of six weeks thereafter, as per law.

The petition stands disposed of in the aforesaid terms.

(VIKAS SURJ)
JUDGE

August 31, 2022
Sachin M.

Whether speaking/reasoned Yes/No

Whether reportable Yes/No