

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

**111**

**CWP No.18573 of 2022  
Date of decision : 24.08.2022**

**Harinder Singh**

**.....Petitioner**

**VERSUS**

**State of Punjab and others**

**.....Respondents**

**CORAM : HON'BLE MR. JUSTICE VIKAS SURI**

Present:- Mr. Sahil Khunger, Advocate, for the petitioner.

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**VIKAS SURI, J. (Oral)**

This petition has been filed seeking release of balance amount of gratuity along with interest @ 9% per annum from the date when the same is due till its actual realization and for grant of interest @ 9% per annum from date when the same is due till its actual realization, on the delayed payments of leave encashment, commuted portion of pension, gratuity and GPF.

Learned counsel for the petitioner submits that petitioner retired from service on 31.03.2020 on attaining the age of superannuation. The department had implemented 6<sup>th</sup> Pay Commission and accordingly, the pay has to be refixed in terms thereof w.e.f. 01.01.2016. Learned counsel relies upon the intra-office communication dated 16.03.2022 (Annexure P-8) to make reference that in the case of the petitioner, on account of implementation of the 6<sup>th</sup> Pay Commission, the pay had been fixed again and the necessary documentation had been forwarded to the office of the Chief Engineer for appropriate action thereon. It is further submitted that till date no action has been taken by the authorities. A Justice Demand Notice dated 02.07.2020 (Annexure P-9) was also served upon the respondents, but in futility. Thereafter, legal notice dated 17.06.2022 (Annexure P-10) was sent and till date there is no response in that regard.

At this stage, on instructions from the petitioner, learned counsel submits that the petitioner would be satisfied, in case the Justice Demand Notice and Legal Notice (Annexure P-9) and (Annexure P-10), respectively, are considered and decided by passing a speaking order in a time bound manner.

Notice of motion to the limited extent.

Ms.Ambika Bedi, AAG, Punjab, accepts notice on behalf of respondents and waives service. Advance copy of the writ petition stands served. Learned counsel for the respondents does not raise any serious objection to the limited prayer for consideration and decision of Annexures P-9 and P-10, in a time bound manner.

Heard learned counsel for the parties.

Without going into the merits of the case or the claim being made by the petitioner in the present petition or in the Justice Demand Notice (Annexure P-9) or the Legal Notice (Annexure P-10), respondent No.2 is directed to consider and take a decision on the Justice Demand Notice (Annexure P-9) and Legal Notice (Annexure P-10), in accordance with law, by passing a speaking order within a period of eight weeks from the date of receipt of certified copy of this order. In case, after the decision, the 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 accordingly.

(VIKAS SURI)  
JUDGE

24.08.2022  
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| <i>Whether speaking/reasoned :</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>          | <i>Yes/No</i> |