

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

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CWP No.19834 of 2022

Date of Decision: 05.09.2022

Tara Chand

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Rajeev Dev Sharma, Advocate for the petitioner.

VIKAS SURI, J. (Oral)

The grievance of the petitioner raised in this petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of mandamus, directing the respondents to pay complete retiral benefits, such as General Provident Fund with complete arrears and also interest on the delayed payment of all pensionary benefits and other arrears from the date when it became due till its realisation.

Learned counsel would submit that the petitioner after attaining the age of superannuation, retired on 31.08.2021 from the post of Mechanic. After retirement, terminal benefits of the petitioner were not promptly released and the same were paid in parts, on different dates at a much belated stage and that too not in full. The retiral benefits were not promptly disbursed to the petitioner and as such, the claim is for payment of interest on delayed payment of retiral dues.

Reliance is placed on *A.S. Randhawa vs. State of Punjab and others*, 1997 (3) SCT 468 (F.B.) and *J.S. Cheema vs. State of Haryana and others*, 2014 (13) RCR (Civil) 355.

It is further submitted that the petitioner before approaching this

Court, served a justice demand notice (legal notice) dated 14.05.2022 (Annexure P-1) followed by reminder dated 04.07.2022 (Annexure P-2), which are still pending consideration with the authorities. Thereafter, vide letter dated 22.07.2022, Financial Adviser & Chief Accounts Officer, RSD Shahpurkandi Township requested the third respondent i.e. Executive Engineer, Field Mechanical & Workshop Division, to take necessary action as to payment of GPF, GIS and leave encashment to the retiree without any delay.

Learned counsel, on instructions from the petitioner, submits that the petitioner would be satisfied, at this stage, in case the justice demand notice dated 14.05.2022 (Annexure P-1) and reminder dated 04.07.2022 (Annexure P-2) are directed to be considered and a decision is taken thereon by passing a speaking order, within some stipulated time.

Notice of motion to the limited extent.

Ms. Ambika Bedi, AAG, Punjab, accepts notice on behalf of respondents and raises no objection to the restricted prayer for consideration and decision on the demand notices 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 demand notices, respondent No.3 is directed to consider and decide the claim made in the justice demand notice dated 14.05.2022 (Annexure P-1) and reminder dated 04.07.2022 (Annexure P-2), 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.

Needless to observe that if any amount is found due to the

petitioner, the same would be released to him within six weeks from such decision, as per law.

The petition stands disposed of in the aforesaid terms.

September 02, 2022
Sachin M.

(VIKAS SURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No