

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

CWP-2842-2017

Date of Decision: 27.04.2022

Mahender Singh

..... Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.K. Chaudhary, Advocate, for
Mr. Jagbir Malik, Advocate,
for the petitioner.

Mr. Prateek Mahajan, Advocate, and
Ms. Perna Malhotra, Advocate,
for the respondents.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, grievance of the petitioner is that the gratuity amount, 25% of the pension and commuted value of the pension, for which the petitioner became entitled for upon his retirement on 31.12.2009, have been withheld by the respondents, and therefore, prayer of the petitioner is that the respondents be directed to release all of the benefits forthwith to the petitioner.

Upon notice of motion, the respondents have filed the reply, wherein it has been stated that at the time of retirement, the departmental proceedings were pending against the petitioner, which proceedings were

ultimately concluded on 06.08.2019, after which, all the benefits for which the petitioner is entitled for, except the gratuity amount, have already been released by the respondent-Department in favour of the petitioner. Learned counsel for the respondents submits that as there were certain advance payments extended to the petitioner by the respondent-Department for execution of works, during his service tenure, which advance payments are yet to be explained by the petitioner, therefore, he himself had submitted a letter dated 17.10.2018 stating that his gratuity amount may be withheld by the respondents till the said issue regarding the grant of advance payments to him by the respondent-Department, is settled. Learned counsel for the respondents further submits that even as of now, the petitioner has not explained the aforesaid issue, due to which, the gratuity amount could not be released to him by the respondent-Department.

Faced with this situation, learned counsel for the petitioner submits that the petitioner be given liberty to approach the respondents for redressal of his grievances with regard to the release of gratuity amount as well as any other benefit, for which the petitioner is entitled for and the same has not been released to him so far, by filing an appropriate representation.

Learned counsel for the respondents submits that in case any such representation is filed by the petitioner before the respondents, the same will be considered by the authorities concerned and an appropriate speaking order will be passed within a period of eight weeks from the date of receipt of such representation and in case any amount is found due to the petitioner, the same will be released in his favour within a period of four weeks thereafter.

Learned counsel for the petitioner submits that keeping in view the aforesaid submissions of learned counsel for the respondents, no further grievance of the petitioner survives in the present petition at this stage, therefore, the same may kindly be disposed of as having been not pressed any further at this stage with the liberty as prayed for.

Ordered accordingly.

27.04.2022*Apurva***(HARSIMRAN SINGH SETHI)
JUDGE**

1. Whether speaking/reasoned : Yes
2. Whether reportable : No