

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

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CWP No.22198 of 2022

Date of decision: 15.12.2022

Subhash Chand and others

....Petitioners

V/s

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Nitesh Singla, Advocate, for the petitioners.

VIKAS SURI, J. (Oral)

The petitioners have invoked jurisdiction through this petition preferred under Article 226/227 of the Constitution of India praying for issuance of a writ in the nature of mandamus, directing the respondent-department to release the arrears of gratuity as per the enhanced limit w.e.f. 29.03.2018 along with 18% per annum interest on delayed payment of the said pensionary benefits.

Learned counsel for the petitioners submits that after attaining the age of superannuation, the petitioners retired on different dates between 30.09.2020 to 30.11.2021 from Nagar Council, Lehragaga, District Sangrur. The other retiral dues of the petitioners were released at the time of superannuation but for the revised enhanced amount of gratuity. The amount of gratuity is payable in terms of the enhanced limit in terms of notification S.O.1419(E) dated 29.03.2018, issued under the Payment of Gratuity Act, 1972, as the petitioners retired after the said provisions came in force.

It is submitted that the petitioners have raised the aforesaid claim with the respondents, that is agitated in the present petition, by way of legal notice dated 13.07.2022 (Annexure P-5), which is still pending consideration.

Learned counsel for the petitioners on instructions submits that the petitioners would be satisfied, at this stage, in case a time bound direction is issued

to respondent No.4 to take a decision on the legal notice dated 13.07.2022, by passing a speaking order.

Notice of motion to that limited extent.

Mr. Inderpreet Singh Kang, AAG, Punjab, accepts notice on behalf of respondent Nos.1 to 3 and waives service.

At the asking, Mr. Rajesh Mehta, Addl. Advocate General, Punjab, accepts notice on behalf of respondent No.4 and waives service. He submits that respondent No.4/ Competent Authority will examine the matter in detail and will take a decision on the claim made in the legal notice served on behalf of the petitioners, in accordance with law, within the stipulated time.

Heard learned counsel for the parties.

Without expressing any opinion or going into the merits of the case or the claim being made by the petitioners in the present petition or in the legal notice, respondent No.4/Competent Authority is directed to consider and decide the claim made in the legal notice dated 13.07.2022 (Annexure P-5), as well as the claim for interest on delayed payment of arrears, in accordance with law, by passing a speaking order within a period of six weeks from the date of receipt of certified copy of this order.

Needless to observe that in case, after the decision, petitioners are found entitled for any benefits, the same be paid to them within a period of four weeks thereafter, as per law.

The petition stands disposed of in the aforesaid terms.

(VIKAS SURI)
JUDGE

December 15, 2022
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Whether speaking/reasoned: Yes

Whether reportable: No