

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

CWP No.25939 of 2021

Date of Decision:-13.07.2022

Tek Chand

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Mandeep Singh Lamba, Advocate for
Mr. Ravinder Singh Dhull, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI J.(Oral)

The present petition has been filed by the petitioner raising the grievance that though, the petitioner was having 294 days earned leave to be encashed at the time of his retirement but only the benefit of 274 days earned leave was given to the petitioner but no reason has come forward to deny the petitioner the benefit of remaining 20 days' leave for the purpose of encashment.

Learned counsel for the petitioner has further submitted that even the notional increment for which the petitioner was entitled for as per instructions issued by the Government dated 25.11.2020 has not been extended to the petitioner. The last prayer of the petitioner is that as the petitioner retired from service on attaining the age of superannuation on 31.1.2020 and the gratuity was paid to the petitioner after a delay of more than two months, keeping in view the settled principle of law settled by Full

Bench of this Court in *A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468* the petitioner is entitled for the grant of interest on the said delayed payment as well.

Learned counsel for the petitioner has submitted that the grievance, which has been raised by the petitioner in the present petition, has also been raised by the petitioner in the legal notice dated 11.10.2021 (Annexure P-3), which is still pending consideration with the respondent authorities and the petitioner will be satisfied in case direction is given to the respondents to decide the said legal notice dated 11.10.2021 (Annexure P-3) in a time bound manner.

Notice of motion.

Mr. Harish Nain, AAG, Haryana accepts notice on behalf of respondents and raises no objection in deciding the legal notice dated 11.10.2021 (Annexure P-3) by passing an appropriate speaking order in a time bound manner.

Without going into the merits of the case or the claim being made by the petitioner in the present petition or in the legal notice, the respondent No.2 is directed to decide the legal notice dated 11.10.2021 (Annexure P-3) 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 next four weeks.

July 13, 2022
Vijay Asija

(**HARSIMRAN SINGH SETHI**)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No