

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

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CWP-25320-2022 (O&M).

Date of Decision: 06.12.2022.

Narinder Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Prateek Pandit, Advocate,
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The instant writ petition has been preferred by the petitioner under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of mandamus directing the respondents to release the retiral benefits including leave encashment, gratuity, provident fund and final pension to the petitioner which is stated to have been withheld illegally and arbitrarily despite the petitioner having retired on 31.05.2022.

Learned counsel for the petitioner contends that the petitioner was working as a Technician in the respondent-Corporation and retired on 31.05.2022 after attaining the age of superannuation. He avers that there is nothing adverse against the petitioner in his service record and his retirement was unconditional. However, the due retiral benefits have been wrongly withheld without assigning any valid reasons and considerations. He contends that the petitioner has already served a legal notice dated 24.08.2022 to the respondents vide Annexure P-2 and would be currently

satisfied in case the respondents-Authorities are directed to decide the legal notice in a time bound manner.

Notice of motion.

Mr. Sanjay Sabharwal, Addl. A.G. Punjab, accepts notice on behalf of respondents No.1 and 2- State and Mr. Saurav Verma, Addl. A.G., Punjab, who by virtue of his assignment would thus also be on the panel of all the statutory Boards and corporations of the State of Punjab, is requested to and accepts notice on behalf of respondents No.3 and 4. They have no objection to the aforesaid prayer being granted.

Accordingly, with the consent of the parties and without commenting upon the merits of the case, the present petition is disposed of and respondent No.3 - the Commissioner, Municipal Corporation, Kapurthala, is directed to take note of the legal notice dated 24.08.2022 (Annexure P-2) sent by the petitioner and to pass a speaking and reasoned order thereupon in accordance with law within a period of three months from the date of receipt of certified copy of this order, after affording an opportunity of hearing to the respective parties.

Needless to mention that in the event the entitlement of the petitioner is found established as per law for the release of his retirement dues, the same shall be released expeditiously and preferably within a further period of three months thereafter.

Petition stands disposed of accordingly.

December 06, 2022.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No