

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

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CWP No.26955 of 2022

Date of decision: 24.11.2022

Mohinder Kaur and others

....Petitioners

V/s

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Tahaf Bains, Advocate, for the petitioners.

VIKAS SURI, J. (Oral)

Inter alia submits that the husband of first petitioner retired on 31.08.2015 from the post of Chargeman after rendering 27 years of service. On his retirement, he was issued a certificate for payment of retirement gratuity for an amount of Rs.3,82,010/- on 24.06.2015, but the said amount was never released. The order fixing pension at Rs.6,835/- per month was also passed on the same day. It is submitted that the said order did not take into reckoning the entitlement of the husband of the first petitioner and similarly situated employees, who had been denied retrenchment increment, which was upheld by the Supreme Court of India with certain riders. The husband of the petitioner unfortunately expired on 05.06.2020.

Thereafter, the department in the month of October 2020 released a sum of Rs.3,23,000/-. The details of the said remittance have not been explained nonetheless the same is less than the amount specified in the certificate issued in the year 2015.

That for the grievance raised in this petition, the petitioners have also served legal notice dated 12.09.2022 (Annexure P-6), seeking the relief as claimed in the present petition, which is pending consideration with the authorities.

On instructions from the petitioners, learned counsel submits that the petitioners would be satisfied, at this stage, in case the said legal notice is decided by passing a speaking order in a time bound manner.

Notice of motion to that limited extent.

Ms. Ambika Bedi, AAG, Punjab, accepts notice on behalf of respondents and waives service. She submits that in view of the innocuous prayer restricting the claim at this stage, the respondent No.2/Competent Authority will look into the matter and will take a decision on the legal notice of the petitioners in accordance with law, in a time bound manner.

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.2/Competent Authority is directed to consider and decide the claim made in the legal notice dated 12.09.2022 (Annexure P-6), 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 ten 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

November 24, 2022
vcgarg

Whether speaking/reasoned:	Yes
Whether reportable:	No