

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

**114**

**CWP No.27830 of 2022**

**Date of decision: 08.12.2022**

Tarsem Lal 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.

Ms. Ambika Bedi, AAG, Punjab  
for respondent Nos. 1 and 2.

Mr. Rajesh Mehta, Addl. A.G., Punjab  
for respondent No.3.

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**VIKAS SURI, J. (Oral)**

The petitioners have invoked jurisdiction by preferring this petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of mandamus, directing the respondent-Corporation to release the arrears of gratuity in view of the amendment dated 29.03.2018 (Annexure P-3) and also to release the revised pensionary benefits, in view of the Government instructions dated 29.10.2021 (Annexure P-4) along with 18% per annum interest on delayed payments of pensionary benefits.

Learned counsel for the petitioners submits that after attaining the age of superannuation, the petitioners retired on different dates between 30.04.2018 to 30.09.2020 from their respective posts of Pump Driver and Clerk, the details of which are tabulated in para 2 of the petition. On superannuation, the retiral dues of the petitioners were released to them but for the revised amount of gratuity. The amount of gratuity was 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.

It is submitted that all the petitioners are entitled to the benefit of the enhanced limit, as they retired after the said provisions were notified.

At this stage, learned counsel for the petitioners on instructions submits that petitioners restrict their relief to seeking a time bound decision on their legal notice/representation dated 19.07.2022 (Annexure P-5), which is still pending consideration.

Notice of motion to the limited extent.

Ms. Ambika Bedi, AAG, Punjab accepts notice on behalf of respondent Nos. 1 and 2 and waives service.

At the asking, Mr. Rajesh Mehta, Addl. A.G, Punjab accepts notice on behalf of respondent No.3 and waives service. A copy of the petition has been supplied to him in Court. He submits that respondent No.3/Competent Authority will look into the matter 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.

Keeping in view the limited prayer made, but 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.3/Competent Authority is directed to consider and decide the claim made in the legal notice dated 19.07.2022 (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 08, 2022  
P.Bhatt

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |