

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

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CWP No.27349 of 2022

Date of decision: 30.11.2022

Ajaib Singh

....Petitioner

V/s

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

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

VIKAS SURI, J. (Oral)

The petitioner has 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-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 petitioner submits that after attaining the age of superannuation, the petitioner retired on 31.07.2018 from the post of Peon, Nagar Council, Mullanpur Dakha, District Ludhiana. The retiral dues of the petitioner were released but for the revised enhanced 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, as the petitioner retired after the said provisions were notified.

It is submitted that the petitioner has already raised the said claim with the respondents, as made in the present petition, by way of legal notice dated 19.07.2022 (Annexure P-5), which is still pending consideration.

Learned counsel for the petitioner on instructions submits that the petitioner would be satisfied, at this stage, in case a time bound direction is issued to respondent No.3 to take a decision on the legal notice dated 19.07.2022, by

passing a speaking order.

Notice of motion to that 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. Advocate General, 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 petitioner, 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.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, petitioner is found entitled for any benefits, the same be paid to her within a period of four weeks thereafter, as per law.

The petition stands disposed of in the aforesaid terms.

(VIKAS SURI)
JUDGE

November 30, 2022
vcgarg

Whether speaking/reasoned: Yes

Whether reportable: No