

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

112

CWP No.29307 of 2022

Date of decision: 19.12.2022

Kabal Singh

....Petitioner

V/s

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Rahul Arora, Advocate for the petitioner.

VIKAS SURI, J. (Oral)

This petition preferred under Article 226/227 of the Constitution of India seeks issuance of a writ in the nature of mandamus, directing the respondents to release full and final retiral benefits viz. Gratuity, leave encashment, arrears of salary etc. that are due to the petitioner who retired as Secretary (non pensionable job) on 30.09.2022, after putting in service of about 22 years with the respondents.

At the very outset, learned counsel for the petitioner submits that the relief sought in the present petition has been claimed by the petitioner in the legal notice dated 01.11.2022 (Annexure P-5), which is still pending consideration with the respondents.

It is further submitted that the petitioner would be satisfied, at this stage, if a direction is issued to the respondents to decide the claim raised in the said legal notice in a time bound manner by passing a speaking order. Reference is made to similar directions issued by this Court in other cases, which have been appended as Annexures P-6 to P-9.

It is pleaded that the petitioner retired on 30.09.2022 from the post of Secretary with the seventh respondent-Society, which is non-pensionable post and

not having been paid his terminal benefits, including arrears of salary, despite having made numerous representations in that regard, the petitioner is suffering financial hardship.

At this stage, Ms. Ambika Bedi, AAG, Punjab has put in appearance on behalf of respondent Nos.1 to 6, as a copy of the petition was supplied to her in advance.

Heard learned counsel for the parties.

Keeping in view that the prayer has been restricted to a time bound decision on the legal notice dated 01.11.2022 (Annexure P-5), by passing a speaking order, this petition is liable to be disposed of without calling for a return from the respondents, as the claim raised in the legal notice is still pending consideration with the respondents.

Without expressing any opinion or going into the merits of the case or the claim being made by the petitioner 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 01.11.2022 (Annexure P-5), in accordance with law, by passing a speaking order within a period of eight weeks from the date of receipt of a copy of this order.

Needless to observe that in case, after the decision, petitioner is found entitled to the retiral dues, as claimed, the same be released to him within a further period of six weeks thereafter, as per law.

The petition stands disposed of in the aforesaid terms.

(VIKAS SURI)
JUDGE

December 19, 2022

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Whether speaking/reasoned: Yes

Whether reportable: No