

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

106

CWP No.29641 of 2022

Date of Decision: 22.12.2022

Lakhvir Singh

...Petitioner

Versus

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)

The petitioner has filed the petition under Article 226/227 of the Constitution of India with the following substantive prayer,

- (i) Issue an appropriate writ, order or direction in the nature of mandamus directing the official respondents to release full and final retiral benefits such as Gratuity, Leave Encashment etc. as raised in legal notice dated 01.11.2022 (Annexure P-3) as payable to the petitioner on retirement from the services of respondents on 31.10.2020 along with interest.

At the very outset, learned counsel for the petitioner submits that the petitioner would be satisfied, at this stage, in case a time bound direction is issued to respondent No.2/Competent Authority to consider and decide the claim made in the legal notice dated 01.11.2022 (Annexure P-3) by passing a speaking order.

It is submitted that the relief sought in the present petition has been claimed in the said legal notice, which is still pending consideration.

Notice of motion to respondent No.2 only at this stage.

Ms. Ambika Bedi, AAG, Punjab, accepts notice on behalf of the said respondent and waives service. She raises no objection to the limited prayer of the petitioner being considered and granted.

Learned State counsel submits that respondent No.2/Competent Authority will consider and take a decision on the legal notice dated 01.11.2022 (Annexure P-3), in accordance with law, by passing a speaking order within the stipulated time.

Keeping in view the submissions noticed above, but 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-3), 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 him within a period of four weeks thereafter, as per law.

The petition stands disposed of in the aforesaid terms.

(VIKAS SURI)
JUDGE

December 22, 2022

vcgarg

Whether speaking/reasoned:

Yes

Whether reportable:

No