

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

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CWP-4966-2021 (O&M)
Date of Decision: 18.01.2023

HARPREET SINGH

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Peeush Gagneja, Advocate
for the petitioner.

Ms. Niharika Sharma, AAG, Punjab.

Mr. Devan Munjal, Advocate
for respondent No.3.

VINOD S. BHARDWAJ, J. (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondent-Department to release the payment of petitioner which is pending against the work of supply of Sanitary Workers alongwith interest for the delay period.

Learned counsel for the petitioner contends that as per the instructions and conditions of the respondent-Department, the petitioner had provided 66 Safai Sewaks to the respondent-Department i.e. Municipal Council (Now Municipal Corporation) Abohar through outsourcing. However, against the said work, no payment for the period from March, 2019 to 31.03.2020 has been released to the petitioner despite the fact that there had been no complaint in the work and conduct of the petitioner. He further submits that in view of the letter issued by the Personnel Department, Punjab

Government, bearing Endst. No.12/57/2017-4PP3/124 dated Chandigarh, 29.03.2019 (Annexure P-1), issued by the then Commissioner, Municipal Corporation and vide item No.17, order dated 08.05.2020 (Annexure P-2), it has been admitted that the payment for the aforesaid period is due/payable to the petitioner. However, the payment in question i.e. Rs.1,19,33,698/- has been withheld by the respondent-Department without any valid reason. The petitioner made several requests to the respondent-Department, but all in vain. Finally, the petitioner had submitted a representation dated 02.09.2020, but no response has been given by the respondent-Department. Lastly, the petitioner was constrained to serve a legal notice dated 17.12.2020 (Annexure P-5) upon the respondents through registered post, however, no action has been taken thereupon till date.

Reply on behalf of respondent No.3 has already been filed.

Ms. Niharika Sharma, AAG, Punjab, however, seeks some more time to file reply on behalf of the respondents No.1 and 2.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if the respondent No.3 is directed to consider and decide the legal notice dated 17.12.2020 (Annexure P-5) in a time bound manner.

Learned counsel for the respondents have no objection to the prayer so made.

In view of the above and with the consent of the parties and without commenting anything on the merits of the case, the present petition is disposed of with a direction to respondent No.3 to consider and decide the legal notice dated 17.12.2020 (Annexure P-5) by passing a speaking and reason order as expeditiously as possible and preferably within a period of three months from the date of receipt of certified copy of this order.

Needless to say that if, upon consideration, any amount is found due and payable to the petitioner, the same shall be released in favour of the petitioner within a further period of three months.

Disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

18.01.2023
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No