

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

112

CWP-3800-2023

Date of Decision: 24.02.2023

TEK SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sandeep Bansal, Advocate,
for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents to forthwith release the complete service pension (with commutation benefits), gratuity and other pending pensionary benefits to the petitioner alongwith the all consequential reliefs as well as interest on the delayed payments.

Learned counsel for the petitioner that the petitioner has not been paid the pensionary benefits and rather he had furnished an affidavit that the approximately disputed amount of Rs.4,00,000/- can be withheld but the remaining can at least be released to him but no action has been taken by the respondents. He submitted that he has even served a legal notice dated 06.11.2022 (Annexure P-17) and still any action has not been taken by the respondents authorities nor any reply has been given to the legal notice. He

submitted that at this stage he will be satisfied in case the legal notice of the petitioner is considered and decided by the competent authority, i.e. the Secretary, Department of PWD (B&R) in accordance with law within a time bound framework.

Notice of motion.

Ms. Akshita Chauhan, learned DAG, Punjab accepts notice on behalf of all the respondents and states that she has no objection in case time bound directions are issued for the purpose of considering and deciding the legal notice in accordance with law.

I have heard the learned counsel for the parties.

The limited prayer of the petitioner at this stage is that at least his legal notice (Annexure P-17) may be considered and decided by respondent No.1 in accordance with law. Therefore, this Court deems it fit and proper to dispose of the present petition with a direction to respondent No.1 and without observing anything on the merits of the case, to consider and decide the legal notice dated 06.11.2022 (Annexure P-17) in accordance with law by passing a well-reasoned speaking order within a period of three months from today.

Needless to say that in case the petitioner is found to be entitled for the amount, then he shall be paid the amount within a period of three months thereafter alongwith interest @ 6% per annum.

(JASGURPREET SINGH PURI)
JUDGE

February 24, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No