

132 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.4699 of 2023 (O&M)

Date of decision : 09.03.2023

Shri Jagir Singh

..... Petitioner

versus

The Registrar Cooperative Societies, Punjab & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Shiv Kumar, Advocate for the petitioner.

PANKAJ JAIN, J. (ORAL)

Petitioner herein prays for writ in the nature of mandamus directing the respondents to release his retiral dues along with interest.

Petitioner approached this Court vide CWP No.10566 of 2020 titled as ***Jagir Singh Vs. Registrar Cooperative Societies and others***, which was decided vide order dated 19.04.2022 in the following terms :-

“Learned counsel for the petitioner argues that in the present case, though the petitioner has already retired but his gratuity is yet to be paid by respondent No.3 i.e the authority with which the petitioner had discharged the duties. Learned counsel for the petitioner submits that the gratuity is payable to the petitioner keeping in view the common cadre rule which govern the service of the Cooperative Societies as well as issued by the Department of Corporation Government of Punjab.

Learned counsel for the petitioner submits that grievance of non-releasing the gratuity by the Society concerned has already been brought to the notice of the Registrar Cooperative Society on 16.06.2020 (Annexure P-8).

Learned counsel for the petitioner submits that while typing the legal notice (Annexure P-8), addressee to whom the same was addressed, has not been typed inadvertently. Learned counsel for the petitioner has shown the actual copy of the legal notice dated 16.06.2020 (Annexure P-8) to the Court at the time of hearing which shows that the same has been sent to all the respondents, who are party to the present petition.

Learned counsel for the respondents No. 1 and 2-State raises no objection in deciding the legal notice dated 16.06.2020 (Annexure P-8) in a time bound manner by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by him in the legal notice dated 16.06.2020 (Annexure P-8), the present writ petition is disposed of with a direction to respondent No.3 to decide the legal notice dated 16.06.2020 (Annexure P-8) within a period of eight weeks from the receipt of copy of this order.

In case, it is found that the petitioner is entitled for any relief after the decision of the legal notice, the same should also be paid to the petitioner within four weeks thereafter.”

Learned counsel for the petitioner would not dispute that pursuant thereto respondent No.3-Cooperative Society has passed resolution dated 24.06.2022 declining the claim of the petitioner and such resolution is yet to be considered by Deputy Registrar which is the statutory authority. He also does not deny that Deputy Registrar has jurisdiction to reject the said resolution.

In view of the aforesaid fact and the considered opinion of this Court, present writ petition is pre-mature. However, keeping in view that the matter relates to retiral benefits being claimed by the petitioner, Deputy Registrar may take call on the merits of resolution within a period of 3 months from the date of receipt of certified copy of this order.

Disposed off accordingly.

**(PANKAJ JAIN)
JUDGE**

09.03.2023

Pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes
No