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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.4979 of 2023 (O&M)

Date of Decision: 28.03.2023

Ram Murti

..... Petitioner

V/s.

State of Punjab and Others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rajvir Singh Sihag, Advocate for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* seeking direction to respondent No.3 to make payment to the petitioner of the balance amount of gratuity amounting to Rs.3,81,372/- alongwith interest @ 12% per annum by taking into account the recommendations of 6th Punjab Pay Commission dated 29.10.2021 (Annexure P-3).

Learned counsel for the petitioner submitted that it is a case where the petitioner was entitled for the amount of gratuity on the basis of the recommendations of the 6th Punjab Pay Commission but without considering the same, the amount of gratuity has been granted to the petitioner which is not adequate and is not as per law. He submitted that for the payment of the balance amount, he had given a representation dated 19.09.2022 (Annexure P-4) to the Municipal Corporation, Amritsar but neither any action has been taken on the representation nor the amount has been paid to the petitioner. Learned counsel for the petitioner submitted that he limits the scope of the prayer in the present petition only to the extent that the representation (Annexure P-4) submitted by the petitioner be decided in accordance with law within a time bound framework.

Notice of motion.

Ms. Akshita Chauhan, DAG, Punjab accepts notice on behalf of respondent Nos. 1, 2 and 4.

Ms. Deepali Puri, Advocate, accepts notice on behalf of respondent No.3 and submitted that in view of the limited prayer made by the learned counsel for the petitioner, the respondent-Corporation has no objection in case the representation made by the petitioner is considered and decided within a time bound framework and in accordance with law.

In view of the aforesaid position and having regard to the limited prayer made by the learned counsel for the petitioner, this Court deems it fit and proper to dispose of the present petition without observing anything on the merits of this case.

Consequently, it is directed that respondent No.3. shall consider and decide the representation dated 19.09.2022 (Annexure P-4) filed by the petitioner, in accordance with law and within a period of 04 months from today, by passing a well reasoned speaking order.

Needless to say, in case the petitioner is found to be entitled for grant of the relief, as prayed for, by him, then the same shall be paid to him alongwith interest @6% per annum from the date of its accrual, till the date of its disbursement.

Disposed of, accordingly.

28th March, 2023

Sonia Puri

(JASGUPREET SINGH PURI)
JUDGE

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