

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115

CWP-6362 of 2023

Date of Decision:27.03.2023

Arpan Samuel

....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sumit Dua, 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 grant/release family pension and complete service benefits for the service rendered by the father of the petitioner (including gratuity, dearness allowance, CPF/PF, leave encashment, medical allowance etc. and arrears of increment and other arresrs) and grant of ex-gratia payment alongwith interest @18% per annum on the delayed payment.

Learned counsel for the petitioner submitted that the father of the petitioner had expired on 17.03.2022 during the course of employment but his retiral benefits have not been paid and in this regard the petitioner had also issued a legal notice dated 25.01.2023 (Annexure P-6) through his counsel but the same has neither been considered nor it has been decided nor any reply has been filed by them to the legal notice. He submitted that at this stage he confines the scope of the present petition only to the extent for seeking of

directions to the respondents/competent authority to consider and decide his legal notice in accordance with law and thereafter to pay him the due amount.

Notice of motion.

Ms. Ambika Bedi, learned AAG, Punjab accepts notice on behalf of State of Punjab and states that she has no objection if the directions to the respondents/competent authority are issued to consider and decide the legal notice dated 25.01.2023 (Annexure P-6) strictly in accordance with law.

I have heard the learned counsel for the parties.

Learned counsel for the petitioner has confined the scope of the present petition at this stage only to the extent of deciding the legal notice issued by him through his counsel vide Annexure P-6. This Court is therefore of the view that without calling the reply from the respondents, the present petition can be disposed of at this stage by issuing directions. Consequently, respondent No.2/competent authority is directed to consider and decide the legal notice dated 25.01.2023 Annexure P-6 issued by the petitioner through his counsel strictly in accordance with law within a period of four months from today by passing a speaking order.

Needless to say that in case the petitioner is found to be entitled for the grant of the benefits as claimed by him, then the same shall be released to him within a period of next two months with interest @ 6% per annum.

Disposed of with the aforesaid directions.

(JASGURPREET SINGH PURI)
JUDGE

March 27, 2023

dinesh	Whether speaking	:	Yes/No
	Whether reportable	:	Yes/No