

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.

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CWP-8501-2023 (O&M).

Date of Decision: 30.05.2023.

RAGHBIR KAUR

... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Sameer Sachdeva, Advocate,
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The instant writ petition has been preferred under Articles 226/227 of the Constitution of India, 1950, seeking issuance of a writ in the nature of Mandamus directing the respondents to release the entire pending retiral dues qua leave encashment (65 days) and balance gratuity (Rs.6.5 lakhs) along with deducted amount of Rs.2,36,840/- from 1st Installment of revised arrears and Rs.2,95,571/- in respect of 2nd installment of revised arrears including enhanced administrative allowances along with interest @ 18% per annum.

Learned counsel for the petitioner contends that the petitioner was initially appointed as Lecturer (English) in the year 1975 and joined as

Principal of Sant Heera Das Kanya Maha Vidhalaya, Kala Singhia, District Kapurthala. Thereafter, she joined as Principal with respondent No.3-college vide appointment letter dated 17.08.2022 and finally upon attaining the age of superannuation retired in the year 2012. However, while releasing the retiral dues to the petitioner certain illegal deductions have been made regarding which the petitioner submitted representations dated 17.02.2023 and 16.03.2023 (Annexures P-4 and P-5) respectively but to no avail. It is further contended that thereafter, the petitioner sent a legal notice dated 24.02.2023 (Annexure P-8) in this regard but the respondents have failed to pay any heed to the requests of the petitioner, hence the present petition has been filed.

Learned counsel for the petitioner submits that at this juncture, the petitioner would be satisfied in case a direction is issued to the respondents to look into the legal notice and the grievance espoused by the petitioner therein and a speaking order is passed thereupon in accordance with law and in a time bound manner.

Notice of motion.

Mr. Saurav Verma, Addl. A.G. Haryana, accepts notice on behalf of respondents No.1 and 2 whereas Mr. M.K. Dogra, Advocate, enters appearance and accepts notice on behalf of respondents No.3 to 5 and they have no objection to the aforesaid prayer being granted.

Accordingly, with the consent of the parties and without commenting upon the merits of the case, the present writ petition is disposed of with a direction to the respondent No.4 to look into the grievance espoused by the petitioner in the legal notice dated 24.02.2023 (Annexure P-8) sent by the petitioner and to pass a speaking and reasoned

order thereupon in accordance with law within a period of three months from the date of receipt of certified copy of this order after granting an opportunity of hearing to the petitioner.

However, the direction issued while disposing of the present writ petition shall not be construed as a waiver of the issue regarding the maintainability/limitation, if any, applicable against the petitioner as per law/instructions.

Needless to mention that in the event the entitlement of the petitioner being established as per law, retiral benefits/the payment due to the petitioner shall be released expeditiously and preferably within a further period of three months.

Petition stands disposed of accordingly.

May 30, 2023
raj arora

(VINOD S. BHARDWAJ
JUDGE

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