

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

114

CWP-8803 of 2023

Date of Decision: 27.04.2023

Bhagwan Dass

....Petitioners

Versus

State of Punjab and others

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Peeush Gagneja, Advocate,
for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of *mandamus* directing the respondents to release the remaining amount of service-cum-retirement dues of the petitioner including gratuity, provident fund, leave encashment revised pay scale, revised pay scale and arrears of revised pay scale and all other benefits alongwith interest for delayed period in view of the law laid down by a Full Bench judgment of this Court in **A.S. Randhawa versus State of Punjab and others 1997(3) SCT 468**. He submitted that the legal notice dated 08.02.2023 has been sent to the concerned authorities vide Annexure P-3, but the same has not been considered or decided as yet.

2. At the outset, learned counsel for the petitioner confines the prayer of the present petition to decide the legal notice dated 08.02.2023 (Annexure P-3).

3. Notice of motion.

4. Ms. Akshita Chauhan, learned DAG, Punjab accepts notice on behalf of respondents No.1 and 2 and Mr. Vikram Preet Arora, Advocate who is present in Court has caused appearance on behalf of respondent No. 3-Municipal Council, Abohar and have stated that they have no objection in case legal notice dated 08.02.2023 (Annexure P-3) sent by the petitioner is considered and decided by the competent authority, i.e. the Municipal Council in accordance with law.

5. In view of the aforesaid position, this Court deems it fit and proper to dispose of the present petition without calling for reply from the Municipal Council or any other authority since the prayer is made only for deciding the legal notice. Therefore, without observing anything on the merits of the case, respondent No.3 is directed to consider and decide legal notice dated 08.02.2023 (Annexure P-3) strictly in accordance with law by passing a speaking order within a period of three months from today.

6. It is made clear that in case the petitioner is found to be entitled for the remaining amount of service-cum-retirement dues of the petitioner as claimed by him in the headnote of the petition, then interest @6% per annum shall be given to the petitioner.

7. The present petition stands disposed of.

(JASGURPREET SINGH PURI)
JUDGE

April 27, 2023
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Whether speaking : Yes/No

Whether reportable : Yes/No