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

CWP-9564-2023

Date of Decision: 04.05.2023

Balwinder Kumar and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Arshit Goel, Advocate,
for the petitioners.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* for directing the respondents to release the payment of Gratuity along with interest @ 9% per annum from the date the same became payable to the petitioners on their attaining the age of superannuation till the date the payment is actually made to the petitioners.

2. Learned counsel for the petitioners has submitted that all the petitioners retired as Volunteers from the Home Guard on different dates but till date, the Gratuity which was payable to all the petitioners have not been paid to them and thereafter, for a number of time, representation was made to the respondent-Authorities but no action was taken, ultimately a legal notice was issued to the respondents vide Annexure P-2 dated 18.03.2022, but neither the legal notice has been replied nor any action has been taken in

this regard. He further submitted that the petitioners will be satisfied in case a direction is issued to the respondents to consider and decide the legal notice as expeditiously as possible and in accordance with law.

3. Notice of motion.

4. At this stage, Ms. Akshita Chauhan, DAG, Punjab accepts notice on behalf of the respondents and has submitted that she has no objection in case an appropriate direction is issued to respondent No.3-Director General of Police-cum-Commandant General, Punjab Home Guards and Director Civil Defence, Punjab for considering and deciding the legal notice (Annexure P-2) in accordance with law.

5. I have heard the learned counsels for the parties.

6. In view of the aforesaid factual position and without observing anything on the merits of the case, this Court is of the view that the present writ petition can be disposed of at this stage with a direction to respondent No.3-Director General of Police-cum-Commandant General, Punjab Home Guards and Director Civil Defence, Punjab to consider and decide the legal notice dated 18.03.2023 (Annexure P-2).

7. Consequently, the present petition is disposed of. It is directed that respondent No.3-Director General of Police-cum-Commandant General, Punjab Home Guards and Director Civil Defence, Punjab shall consider and decide the legal notice dated 18.03.2023 (Annexure P-2) issued by the petitioners strictly in accordance with law and within a period of 3 months from today by passing a speaking order.

8. Needless to say that in case the petitioners are found to be entitled for the benefits of Gratuity etc. then the same shall be paid to them

within a period of next three months after calculating the same in accordance with law along with interest.

04.05.2023 (JASGURPREET SINGH PURI)
Bhumika JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |