

2023:PHHC:069645

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

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CWP No.10399 of 2023

Date of decision: 15.05.2023

RAMESH KUMAR

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. R.S. Malik Advocate
for the petitioner.

RAJ MOHAN SINGH , J.(ORAL)

The petitioner has preferred this writ petition for the issuance of an appropriate writ in the nature of mandamus, directing the respondents to release the retiral benefits viz. gratuity, commutation of pension and leave encashment along with consequential benefits and interest.

Learned counsel for the petitioner submits that the petitioner was appointed as Driver in Haryana Roadways on 22.11.1988 on adhoc basis and his services were regularized on 01.01.1991. Thereafter, the petitioner was promoted to the post of Yard Master and ultimately retired from service at the age of 58 years on 30.04.2022. One FIR was registered in the year 2014 under Sections 279, 337, 304-A IPC at Police Station

Gharaunda against the petitioner on account of death of one Amit Kumar, who was going on motorcycle and met with an accident with the bus of the petitioner. The petitioner was tried and acquitted by the competent Court vide judgment of acquittal dated 07.05.2016. The mother of the deceased filed claim petition before the Motor Accident Claims Tribunal, Karnal and compensation to the tune of Rs.10 lakhs was awarded. The liability was fastened upon the insurance company and thereafter the appeal was filed by the insurance company i.e. FAO No.7514 of 2015. The petitioner is getting only provisional pension and remaining retiral dues have not been released despite a legal notice dated 25.03.2023 served upon the respondents.

At this stage, learned counsel for the petitioner submits that the petitioner would be satisfied in case his legal notice is directed to be considered and decided by the competent authority/respondent No.2 within a time bound manner.

Notice of motion.

On the asking of the Court, Ms. Palika Monga, DAG, Haryana accepts notice on behalf of the respondents.

In view of nature of prayer made by the petitioner, this writ petition is disposed of thereby directing the respondent

No.2 to take note of pending legal notice of the petitioner dated 25.03.2023 and decide the same in accordance with law preferably within a period of two months from the date of receipt of certified copy of this order.

15.05.2023

P.Bhatt

**(RAJ MOHAN SINGH)
JUDGE**

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No