

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

122

CWP-10875-2023

Date of decision:18.05.2023

Kapil Dev

... Petitioner

Vs.

State of Punjab & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

Present: Mr. Amit Arora, Advocate for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

...

SUKHVINDER KAUR, J.

The instant petition has been filed under Articles 226/227 of the Constitution of India seeking a writ of mandamus directing the respondents to release the entire retiral dues including gratuity, leave encashment, GPF, arrears and other retiral benefits forthwith which have not been released till date since the petitioner has retired on 31.10.2022. A further prayer is also made to direct the respondents to pay the interest at the rate of 18% per annum to the petitioner as well as the interest on the delayed payments from the date of accrual till the date of actual payment.

Learned counsel for the petitioner has contended that the petitioner was appointed with the respondent-department in the year 1985 as Sweeper and was posted at the office of respondent No.3. After putting in 37 years of service, the petitioner retired from service on 31.10.2022 on attaining the age of superannuation. Till date except the amount of Rs.5,00,000/-, nothing on account of other retiral benefits has been released. He has further argued that annual confidential reports of the petitioner were

upto the mark and no complaint whatsoever was filed against him. He had also submitted all the necessary documents to the respondents for preparation of his pension case before his retirement for timely payment of his retiral dues. The competent authority has only released the pension to him, but the other retiral benefits have not been released till date, without any justifiable reason and have been illegally withheld by the respondents. He has contended that the petitioner is entitled for release of gratuity, leave encashment, GPF, arrears and other retiral benefits forthwith, which have been wrongly withheld by the respondents and the petitioner is also entitled for interest @ 18% per annum on the retiral benefits from the date of accrual till the date of actual payment. He has also argued that the legal notice dated 22.04.2023 (Annexure P-1) was also served upon the respondents regarding the same, but to no avail.

In view of the aforesaid factual position and without observing anything on the merits of the case, this Court deems it appropriate to dispose of the present writ petition at this stage, with a direction to the respondent/authorities to consider and decide the legal notice dated 22.04.2023 (Annexure P-1) strictly in accordance with law by passing a speaking order within a period of two months from the date of receipt of a certified copy of this order.

In case it is found that the petitioner is entitled for the monetary benefits after the decision of the legal notice, the same shall be paid to him within a period of six weeks thereafter.

Disposed of.

18.05.2023
monika

(SUKHVINDER KAUR)
JUDGE

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