

108 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-11036-2023
Date of decision: 01.08.2023

Paramjit KaurPetitioner
V/s
State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Ms. Sonia G. Singh, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

The instant petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus, directing the respondents to release the retirement benefits along with interest.

Learned counsel for the petitioner contends that petitioner was appointed as Clerk in September, 1993 and he is a physically handicap person having locomotor disability of 80%. He submits that petitioner worked till 31.05.2022 and retired as Junior Accountant after attaining the age of superannuation as applicable to handicap quota employees after serving the department for 31 years 2 months. Learned counsel submits that vide letter dated 22.09.2022 (Annexure P-1) the respondent No.3 has informed respondent No.4 that an amount of Rs.1,81,328/- has been found to be on the lesser side towards pension contribution of the petitioner and to send the said amount with interest so that pension case of the petitioner be completed. He also submits that vide letter No.ADC(U.D.)B-2021/92 dated 22.09.2022 (Annexure P-3) respondent No.3 has passed an order allowing 90% of provisional pension w.e.f. 01.06.2022. Learned

counsel further submits that petitioner has served a legal notice dated 15.03.2022

(Annexure P-5) to the respondents, which has not been taken into consideration by the respondents till date and the petitioner would be satisfied if necessary directions are given for deciding the legal notice in a time bound manner.

Notice of motion.

On asking of the Court, Mr. Arun Gupta, AAG Punjab, who is present in the Court, accepts notice on behalf of the respondents No.1 to 3 and does not object to the prayer made by learned counsel for the petitioner.

On asking of the Court, Ms. Roja Agnihotri, Advocate, who is also present in the Court, accepts notice on behalf of respondent No.4.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioner in the legal notice dated 15.03.2022 (Annexure P-5), respondent No.4 is directed to decide the legal notice, by passing a speaking order within a period of 8 weeks from the date of receipt of certified copy of this order with a further direction that if the petitioner is found to be entitled to the claim mentioned in the abovesaid legal notice, necessary disbursement of funds shall be made to him within a period of 8 weeks thereafter.

The petition stands disposed of.

01.08.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

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