

143

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

CWP-11088-2023

Date of decision: 22.05.2023

Dharam Chand and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Gopal Singh Nahel, Advocate for the petitioners.

Mr. Ferry Sofat, Addl. A.G. Punjab
for respondent Nos.1 to 3.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to release the payment of gratuity fund along with interest @ 18% 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 the petitioners retired as Volunteers of the Punjab Home Guards and the gratuity which was payable to all the petitioners has not been paid to them in spite of several representation made by them including legal notice dated 02.02.2023 (Annexure P-2). It is further submitted that the petitioners

would be satisfied at this stage, in case, respondent No.3 is directed to consider and decide the legal notice dated 02.02.2023 (Annexure P-2), as expeditiously as possible.

3. Learned State Counsel appearing on behalf of respondent Nos.1 to 3 has submitted that respondent No.3 would consider the legal notice dated 02.02.2023 (Annexure P-2), in accordance with law, within a period of three months from today.

4. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with a direction to respondent No.3 to decide legal notice dated 02.02.2023 (Annexure P-2), in accordance with law, within a period of three months from today by passing a speaking order.

5. In case, the petitioners are found to be entitled to the benefit of gratuity then the same shall be paid to them within a further period of three months after calculating the same, in accordance with law, along with interest.

6. It is made clear that this Court has not opined on the merits of the case and respondent No.3 would consider and decide the legal notice dated 02.02.2023 (Annexure P-2) independently and in accordance with law.

22.05.2023*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**