

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

164

**CWP-12604-2023
Date of Decision: 01.06.2023**

SURINDER KUMAR

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Arpit Dua, Advocate for
Mr. K.R. Dhawan, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been instituted under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondents to release retiral benefits of the petitioner.

Learned counsel for the petitioner contends that the petitioner was appointed as Pump Operator in the office of Nagar Council at Zira on 18.12.1985 and after about 37 years of service, the petitioner was retired on 31.11.2022. It is also submitted that during the service and at the time of retirement, no inquiry etc. was pending against the petitioner. It is further averred that as per service rules, the retiral benefits are to be released immediately or within a period of two months from the date of retirement. But the retiral benefits of the petitioner have not yet been released. The

petitioner visited the office of respondents for a number of times, but all in vain. At last, the petitioner served a legal notice dated 13.04.2023 (Annexure P-1) upon the respondents through registered post calling upon them to release his retiral benefits, but no action has yet been taken by the respondent thereupon nor have they released the retiral benefits of the petitioner till date. Hence, this petition.

Notice of motion.

Mr. Deepanjay Sharma, DAG, Punjab accepts notice on behalf of respondents and prays for some time to file response, if any.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.3- The Executive Officer, Nagar Council Ferozepur, Tehsil & District Ferozepur is directed to consider and decide the legal notice dated 13.04.2023 (Annexure P-1) in a time bound manner.

Learned State Counsel does not oppose the prayer made by the learned counsel for the petitioner.

Accordingly, in view of the above, with the consent of the parties and without commenting anything on the merits of the case, the present petition is disposed of while directing respondent No.3 to consider and decide the legal notice dated 13.04.2023 (Annexure P-1) by passing a reasoned and speaking order after affording an opportunity of hearing to the respective parties within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that upon considering the said legal notice, if any amount being outcome of service/retiral benefits is found due and

payable to the petitioner, the same shall be disbursed within a further period of three months.

Petition stands disposed of accordingly.

01.06.2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

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