

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

CWP-14126-2023 (O&M)

Date of Decision: 06.07.2023

Sukhwinder Pal Singh and anr.

... Petitioners

V/s.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Ms. Kriteka Sheokand, Advocate
for the petitioners.

DEEPAK MANCHANDA, J.(Oral)

Present writ petition has been filed under Article 226/227 of the Constitution of India by the petitioners seeking issuance of writ in the nature of mandamus for directing the respondents to count and treat the entire service of the petitioners which has been rendered by them in the Punjab State Tubewell Corporation from the date of appointment till their retirement for the purpose of all retirement benefits in view of the judgment of the Apex Court in Gurmail Singhs case (Annexure P-1).

Learned counsel for the petitioners submits that petitioner No. 1 joined the services of Irrigation Department, State of Punjab on 01.03.1974 and petitioner No. 2 joined on 21.04.1974 as Tubewell Operators and were also retired as Tubewell Operators from the office of respondent No. 2 and are aggrieved by the action of respondents in not releasing the arrear of gratuity for the period of service rendered by them

with the State of Punjab. It is submitted that in the year 1982, the petitioners

were transferred from Punjab State Tubewell circle of irrigation branch to Punjab State Tubewell corporation and were absorbed therein wef 09.12.1983. The petitioners were among the retrenched staff and later on were absorbed in service. Petitioner No. 1 stood retired on 30.04.2013 and petitioner No. 2 stood retired on 31.10.2011 on superannuation, they were paid all retiral benefits except the leave encashment and gratuity for the period before absorption in the corporation. Learned counsel for the petitioner further submits that the petitioners have already raised the said grievance in the legal notice dated 23.03.2023 (Annexure P-8), which is still pending consideration with respondents and the petitioners will be satisfied at this stage, in case a direction is issued to respondent No. 2 to decide the same by passing an appropriate speaking order in a time bound manner.

Notice of motion.

At this stage, on the asking of the Court, Mr. Anurag Bansal, AAG, Punjab, who is present in Court, accepts notice on behalf of respondent No. 1 and raises no objection in deciding the legal notice dated 23.03.2023 in a time bound manner by passing an appropriate speaking order.

I have heard learned counsel for the parties and have gone through the record of the case.

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 petitioners in the legal notice, respondents are directed to decide the legal notice dated 23.03.2023 (Annexure P-8) moved by the petitioner, by passing a speaking order within a period of four weeks from the date of

receipt of certified copy of this order with a further direction that if the petitioners are found to be entitled to the claim mentioned in the legal notice, necessary disbursement of funds shall be made to them within a period of two weeks thereafter.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

06.07.2023
seema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes /No</i>