

124 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15195-2023

Date of decision: 19.07.2023

Kesar Singh

.....Petitioner

V/s

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr.Iqbal Singh Saggu, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

The instant petition has been filed under Article 226/227 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 Cashier-cum-Salesman on 01.07.1986 in Nagawan Multipurpose Co-operative Society Limited Nagawan Tehsil and District Patiala (hereinafter called as Nagawan Society). He further submits that Sh. Hans Raj, Secretary, who was working in Karhali Multipurpose Co-operative Society Limited Karhali Tehsil and District Patiala was to retire from service on 31.01.2014 and as such, the post of Secretary in the Karhali Society was to fall vacant and the Karhali Society desired that the petitioner be appointed as Secretary in Karhali Society. Learned counsel submits that Nagawan Society passed a resolution dated 20.12.2013 that since the Karhali Society wants to take the services of Kesar Singh as Secretary and the Nagawan Society has no objection in transferring the petitioner to Karhali Society, therefore, the services of the petitioner were transferred to Karhali Society. He further submits that Karhali Society passed a resolution dated 22.01.2014 that since the Nagawan Society has given its approval for taking the services of the petitioner as Secretary in Karhali Society,

the gratuity and other benefits will be paid to the petitioner by the Nagawan Society upto 31.01.2014 and the remaining retirement benefits w.e.f. 01.02.2014 till his retirement will be paid by the Karhali Society. Learned counsel for the petitioner further submits that petitioner had submitted a legal notice dated 28.06.2023 (Annexure P-4) to the respondent No.3,4 and 6, which has not been taken into consideration till date and he would be satisfied if necessary directions are given for deciding the legal notice dated 28.06.2023 (Annexure P-4) 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 and does not object to the prayer made by learned counsel for the petitioner.

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 28.06.2023 (Annexure P-4), respondent No.3 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 legal notice dated 28.06.2023 (Annexure P-4), necessary disbursement of funds shall be made to him within a period of 8 weeks thereafter.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

19.07.2023
Sapna

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