

113 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-17623-2023
Date of decision: 04.09.2023

Kulwant SinghPetitioner
V/s
State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Vishal Sharma, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

The instant writ 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 make payment of outstanding retiral benefits of Rs.10,45,655/- and outstanding salary of Rs.1,49,345/- of the petitioner and also grant interest on delayed payment of all benefits including gratuity, leave encashment @12% from the date of accrual of retiral benefits till the actual date of payment.

Learned counsel for the petitioner contends that petitioner joined as Secretary in the respondent society on 18.09.1997. The petitioner retired from service as Secretary on 31.01.2022. He submits that Payment of Gratuity Act has been amended in the year 2010 and the limit of amount of gratuity has been raised from Rs. 3.50 lacs to Rs.10 lacs by an Amendment, which came into force on 24.05.2010 and on the basis of this Amendment the petitioner is entitled for gratuity at enhanced rate of Rs.10 lacs on his retirement. The service record of the petitioner was unblemished and he was granted pay scale of RS.4020-6200. He further submits that an amount Rs.1.80 lacs of retirement dues has been paid to

the petitioner on 30.06.2022 and Rs.1 lac on 13.02.2023 but the payment of

balance amount of Rs.10,45,655/- and the outstanding salary of Rs. 1,49,345,- are still pending. Learned counsel again submits that petitioner has served a legal notice dated 31.03.2023(Annexure P-10) to respondents, which has not been taken into consideration 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.

At this stage, 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 4. He submits that respondent No.4 is the competent authority to decide the legal notice and if claim of the petitioner is accepted then disbursement of funds is to be made by the respondent No.5. He 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 31.03.2023 (Annexure P-10), 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 the petitioner by respondent No.5 within a period of 8 weeks thereafter.

The petition stands disposed of.

04.09.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No