

119 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-16076-2023

Date of decision: 31.07.2023

Gurdarshan Singh and another
V/s

.....Petitioners

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr.H.S. Dhindsa, Advocate
for the petitioners.

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 gratuity, leave encashment, GIS and other retiral dues along with 9% interest from the date of their retirement i.e., 30.09.2013 and 31.03.2017 as the same was withheld by the department because of the Court case arising out of FIR No.38 dated 06.07.2006 under Sections 409, 420, 201, 120-B of IPC and Section 13(1) (d) read with Section 13(2) of the Prevention of Corruption Act, 1988 registered at Police Station Vigilance Bureau, Ferozepur.

Learned counsel for the petitioners contends that petitioners had joined Punjab Scheduled Castes Land Development and Finance Corporation as Clerks on 12.05.1982 and 01.09.1980 respectively. He submits that an FIR was registered against the 12 employees of the Corporation on the recommendation Vigilance Bureau with the allegations that 142 case files out of 210 case files relating to subsidy had been destroyed amounting to Rs.8,000/- subsidy per file. He further submits that the petitioners retired from service but the retiral benefits were not given to them due to pendency of the trial. Learned counsel submits that the petitioners were acquitted by the Court of Id. Judge, Special Court, Ferozepur

along with 10 other employees vide judgment dated 27.04.2023. Learned counsel

for the petitioners further submits that petitioners had submitted a legal notice dated 16.06.2023 (Annexure P-4) to the respondents, which has not been taken into consideration till date and he would be satisfied if necessary directions are given for deciding the above said legal notice 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 respondent No.1 and Mr. K.S. Hissowal, Advocate, who is also present in the Court, accepts notice on behalf of respondent No.1 and they do not object to the prayer made by learned counsel for the petitioners.

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 dated 16.06.2023 (Annexure P-4), respondents are 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 petitioners are found to be entitled to the claim mentioned in the abovesaid legal notice, necessary disbursement of funds shall be made to him within a period of 8 weeks thereafter.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

31.07.2023
Sapna

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