

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

106

CWP-17523-2023

Date of decision: 02.11.2023

PARVESH BHANDARI**.....Petitioner****VERSUS****PUNJAB STATE CIVIL SUPPLIES CORPORATION LTD AND
ANOTHER****.....Respondents****CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. J.P. Rana, 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 arrear of pay/allowances/salary for the period from the date of dismissal to the date of reinstatement and also refund the deducted amount of Rs.9,15,250/- along with interest @ 12% per annum and also release retiral benefits such as leave encashment or any other benefits which have been withheld by the respondent-department along with interest @ 12% per annum from the date of retirement of the petitioner.

Learned counsel for the petitioner contends that the petitioner had retired from the post of Inspector Grade-II, PUNSUP, Moga (respondent No.2) on 28.02.2021 after attaining the age of superannuation. He submits that when the petitioner got retired, he was entitled to receive the arrear of pay/allowances/salary from the date of dismissal to the date of reinstatement and also refund the deducted amount of Rs.9,15,250/- along with interest @ 12% per annum and also release retiral benefits such as leave encashment and remaining

dues had been withheld by the respondent-department without giving any

justifiable reasons. Learned counsel further submits that petitioner has served a legal notice dated 08.07.2022 (Annexure P-9) to the 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.

On asking of the Court, Mr. M.S. Bath, who is present in the Court, accepts notice on behalf of the respondents and submits that the respondent No.1 is the competent authority to take final decision and 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 08.07.2022 (Annexure P-9), respondent No.1 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 him within a period of 8 weeks thereafter.

The petition stands disposed of.

November 02, 2023
Nisha-II

(DEEPAK MANCHANDA)
JUDGE

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