

109 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-17526-2023
Date of decision: 11.08.2023

Tarsem Lal and othersPetitioners
V/s

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr.Nitesh Singla, 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 writ in the nature of mandamus, directing the respondents to release arrears of revised leave encashment to the petitioners, along with 9% interest on delayed payments.

Learned counsel for the petitioner contends that petitioners are retirees from Department of Local Government on different dates and they have been getting pension since the date of their retirement. He submits that vide notification dated 05.07.2021, the pay scales were revised w.e.f. 01.01.2016. He submits that the petitioners are retired employees and the department is expected to pay the revised pensionary benefits arising out of revised pay/pension to the petitioners with a reasonable time but even after the passage of about two years, petitioners have not been released the arrears of revised leave encashment, therefore, petitioners are entitled to interest @ 9% per annum on any delayed payments. Learned counsel again submits that petitioners have served legal notice dated 10.05.2023 (Annexure P-4) to the respondents, which has not been taken

into consideration till date and the petitioners 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. Arun Gupta, AAG Punjab, who is present in the Court, accepts notice on behalf of respondents No.1 to 3 and does 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 10.05.2023 (Annexure P-4), respondent No.3 is directed to decide the aforesaid 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 them within a period of 8 weeks thereafter.

The petition stands disposed of.

11.08.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

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