

CWP- 17991-2023 (O&M)

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

CWP- 17991-2023 (O&M)

Date of Decision:21.08.2023

Mohan Lal

... Petitioner

V/s.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Rishav Jain, Advocate
for the petitioner.

DEEPAK MANCHANDA, J.(Oral)

Through the instant Civil Writ Petition filed before this Court under Article 226/227 of the Constitution of India the petitioner has prayed for issuance of an appropriate Writ, Order or direction in the nature of Mandamus directing the respondents to release the pension and pensionary benefits i.e. gratuity leave encashment, etc. that have been withheld by the respondent department on the superannuation of the Petitioner as the same is contrary to the law laid down by Hon'ble Supreme Court of India as well as this Court though various judgements wherein it has been held that after superannuation the pensionary benefits have to be released. The petitioner

has further prayed that the pension and the amount due towards pensionary

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benefits i.e. Gratuity, leave encashment etc., which has not been released to the petitioner so far be released to him alongwith 12% interest per annum from the date due till actual realization

Learned counsel for the petitioner submits that the petitioner has retired as Maali cum Chowkidar on 31.12.2022 from Municipal Council Sangrur on attaining the age of superannuation. The grievance of the petitioner is that the petitioner has not been released his full pensionary benefits till date without any reason and till date petitioner has been paid part payment out of total pensionary benefits i.e. Rs. 20,16,603/-. Learned counsel for the petitioner further submits that the petitioner has already raised the said grievance in the legal notice dated 28.05.2023 (Annexure P-2), which is still pending consideration with respondents and the petitioner will be satisfied at this stage, in case a direction is issued to the respondents to decide the same by passing an appropriate speaking order in a time bound manner.

Notice of motion.

At this stage, on the asking of the Court, Mr. Arun Gupta, AAG, Punjab, who is present in the Court accepts notice on behalf of respondent Nos. 1, 2 and 3 and Mr. Sanjeev Soni, Advocate has put in appearance on behalf of respondent No. 4 and raise no objection in deciding the legal notice dated 28.05.2023 (Annexure P-2) in a time bound manner by passing an appropriate speaking order.

I have heard learned counsel for the parties and have gone through the record of the case.

In view of the pleadings in the present petition, without

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expressing any opinion on the merits of the case or the claim being made by the petitioner in the legal notice, respondents are directed to decide the legal notice dated 28.05.2023 (Annexure P-2), by passing a speaking order within a period of eight 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, necessary disbursement of funds shall be made to him within a period of eight weeks thereafter.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

21.08.2023

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Whether speaking/reasoned	Yes
Whether Reportable	Yes /No