

122 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-18852-2023
Date of decision: 28.08.2023

Manohar Lal SehgalPetitioner
V/s
State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Sukhwinder Singh Chatrath, 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 pay interest @12% on the delayed payment of retiral benefits to the petitioner from the date of retirement of the petitioner till the date of payment of retiral benefits including arrears of salary, gratuity and leave encashment.

Learned counsel for the petitioner contends that petitioner joined the services with Hindu Cooperative Bank, Pathankot-respondent No.4 on 01.05.1990. The petitioner retired from service as acting CEO on 01.08.2020. He submits that petitioner was suspended from his service vide order dated 10.05.2019 passed by Assistant Manager of the Bank, Mr. Aman Mehta, who being junior to the petitioner was neither competent nor authorized to issue the suspension orders of the petitioner. He further submits that an FIR No.42 dated 13.05.2019 under Sections 409, 420, 120-B of IPC, Police Station Division No.1,

Pathankot has been registered against the petitioner at the behest of then Assistant

Manager, Mr. Aman Mehta. Learned counsel again submits that petitioner has served a legal notice dated 26.04.2023 (Annexure P-4) to the respondent No.4, 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.Arun Gupta, AAG Punjab, who is present in the Court, accepts notice on behalf of the respondents No.1 to 3 and submits that the respondent No.4 is the competent authority to take final decision. 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 26.04.2023 (Annexure P-4), 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 him within a period of 8 weeks thereafter.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

28.08.2023
Sapna

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