

CWP- 18091-2023

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

CWP-18655-2023

Date of Decision: 31.08.2023

Balbir Singh

... Petitioner

V/s.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Ms. Kriteka Sheokand, Advocate
for the petitioner.

DEEPAK MANCHANDA, J.(Oral)

Through the instant petition the petitioner has prayed for issuance of a CWP under Article 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially in the nature of mandamus directing the respondents to regularize the service of the petitioner as respondents have regularized the service of similarly situated remaining State workers who fulfilled the condition of five years continuous service on or before 10.12.1983 vide letter dated 07.03.2018 (Annexure P-4) and release the Gratuity for the period of service rendered

by the petitioner with the State of Punjab before their absorption with the Punjab State Tubewell Corporation in view of the judgement dated 09.12.2008 (Annexure P-2) passed in CWP no. 1292 of 1997 titled as Punjab State Tubewell Operators Association Versus State of Punjab and others as Annexure P-2 alongwith arrears and interest @ 18% per annum.

Learned counsel for the petitioner submits that the petitioner joined as Tubewell operator on 01.08.1978 in Punjab Tubewell Circle of Irrigation Branch of State of Punjab. In the year 1982, all tubewells of the Punjab State Tubewell Circle of the Irrigation Branch were transferred to the Punjab State Tubewell Corporation and they were entitled to count the number of years of service with the government for reckoning the length of service for retiral benefits. Further, similar pleas have been made by certain employees through different writ petitions and the Apex Court in one of those petitions i.e. CWP-1292-1997 decided on 09.12.2008 directed the respondents to grant leave encashment and gratuity for the entire period of service i.e. with the State of Punjab as well as with the Punjab State Tubewell Corporation. However, with regard to the pension the relief was declined. The petitioner retired on attaining the age of superannuation but the department paid the leave encashment and gratuity for the service rendered in Punjab State Tubewell Corporation but did not release the gratuity for the period of service rendered with the State of Punjab. But this Court in CWP-17408-2014 dated 10.05.2018 filed by the similarly situated employees, issued directions to the Accountant General, Punjab to take final decision with regard to the cases of remaining petitioners for grant of

gratuity within a period of one month positively and further directed the respondent to ensure the payment of amount of gratuity to the petitioner within a period of next one month along with 9% per annum interest from the date of institution of the petition. The petitioner through the present petition seek similar direction. Learned counsel for the petitioner further submits that the petitioner has already raised the said grievance in the legal notice dated 07.05.2023 (Annexure P-6), 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.

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 and 4. Mr. Raman Sharma, Advocate has put in appearance on behalf of respondent Nos. 2 and 3 and raise no objection in deciding the legal notice dated 07.05.2023 (Annexure P-6) 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 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 07.05.2023 (Annexure P-6), 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

31.08.2023

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Whether speaking/reasoned	Yes
Whether Reportable	Yes /No