

CWP- 18883-2023

-1-

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

CWP- 18883-2023

Date of Decision:28.08.2023

Pardeep Kumar

... Petitioner

V/s.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Surinder Singh, Advocate
for the petitioner.

DEEPAK MANCHANDA, J.(Oral)

Present writ petition has been filed by the petitioner under Article 226 of the Constitution of India seeking issuance of writ in the nature of mandamus for directing the respondents to release retiral benefits i.e. a) gratuity, b) leave encashment, c) GPF and d) D.A. installments to the petitioner along with interest @ 18% per annum along with all consequential benefits.

Learned counsel for the petitioner submits that the petitioner was appointed as Peon on 01.07.1988 and retired as such on 31.07.2022 from the office of respondent No. 3 after attaining the age of superannuation but the retiral benefits have not been paid to him like gratuity, leave

encashment, GPF etc. and has only been paid an amount of Rs.3,00,000/- out of Rs. 17,02,055/- which is due to the petitioner. Learned counsel submits that the petitioner is entitled to the grant of his retiral benefits. Learned counsel for the petitioner further submits that the petitioner has already raised the said grievance in the legal notice dated 10.07.2023 (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 respondents No. 1 to 2 and raised no objection in deciding the legal notice dated 10.07.2023 (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 expressing any opinion on the merits of the case or the claim being made by the petitioner in the legal notice, respondent No. 3 is directed to decide the legal notice dated 10.07.2023 (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 and if there is no legal

impediment involved, necessary disbursement of funds shall be made to him within a period of eight weeks thereafter.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

28.08.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No