

118 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-18950-2023

Date of decision: 29.08.2023

Amrik Singh and others

.....Petitioners

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 writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus, directing the respondent-Department to release the arrears of pensionary benefits i.e., gratuity, leave encashment in view of amendment dated 29.03.2018 (Annexure P-3) and further to release the revised pensionary benefits along with interest @ 18% on delayed payments of pensionary benefits.

Learned counsel for the petitioners contends that petitioners are retired employees of respondent-Department on various posts and the department of Local Government Punjab issued letter dated 19.08.2016 (Annexure P-1) in which it was ordered that payment of gratuity in case of employees of Urban Local Bodies shall be governed under the provisions of Payment of Gratuity Act, 1972. He submits that vide letter dated 29.10.2021 Department of Finance implemented the recommendation of 6th Punjab Pay Commission regarding pension and other retirement benefits of employee, who have retired on or after 01.01.2016. He further submits that petitioners are entitled to pensionary benefits i.e., gratuity, leave encashment in view of amendment dated 28.03.2018 (Annexure P-3) and arrears of revised pensionary benefits in view of letter dated

been released to the petitioners. Learned counsel further submits that petitioners have served a legal notice dated 17.05.2023 (Annexure P-5) to 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.

At this stage, 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 4 and submits that respondent No.5 is the competent authority to decide the legal notice submitted by the petitioners and does not object to the prayer made by learned counsel for the petitioners.

On asking of the Court, Mr. Manbir Singh Batth, Advocate, who is also present in the Court, accepts notice on behalf of respondent No.5 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 17.05.2023 (Annexure P-5), respondent No.5 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 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.

(DEEPAK MANCHANDA)
JUDGE

29.08.2023
Sapna