

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

240

CWP-24368 of 2021 (O&M)

Date of Decision:25.04.2023

Prem

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kuljit Singh, Advocate, for
Mr. Peeush Gagneja, Advocate,
for the petitioner.

Ms. Ishma Randhawa, Addl. AG, Punjab
for respondents No.1 and 2.

Ms. Arti, Advocate,
for applicant-respondent No.3.

JASGURPREET SINGH PURI, J. (Oral)

CM-3014-CWP-2023

Vide this application, the applicant-petitioner is seeking permission to place on record the reply on behalf of the applicant-respondent No.3.

For the reasons mentioned in the application, the same is allowed and the reply on behalf of the applicant-respondent No.3 is taken on record subject to all just exceptions.

CWP-24368 of 2021

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus*

directing the respondents to release the remaining service-cum-retirement benefits to the petitioner such as Provident Fund, Gratuity, Leave Encashment, DA installments and all other benefits alongwith interest.

2. At the outset, learned counsel appearing on behalf of respondent No.3-Municipal Corporation, Abohar while referring to the reply filed by the Municipal Corporation has submitted that all the retiral benefits have been paid to the petitioner and regarding which details are so stated in para 2 of the reply filed by the Commissioner, Municipal Corporation, Abohar. He submitted that even interest has also been paid on the delayed payment which amounts to Rs.1,22,251/- and therefore now nothing is due towards the petitioner since all the benefits have been paid alongwith the interest.

3. Learned counsel appearing on behalf of the petitioner has stated that since all the retiral benefits have been paid to the petitioner alongwith the interest, the present petition has been rendered infructuous. He submitted that so far as non-grant of benefit of revised pension with effect from 01.01.2016 is concerned, the petitioner will file a separate representation to the Municipal Corporation and liberty may be granted to the petitioner to file a separate representation in that regard.

4. In view of the aforesaid factual position, wherein all the retiral benefits have been paid to the petitioner alongwith interest as claimed by the petitioner in the present case, the present petition has become infructuous and is disposed of accordingly.

5. So far as the claim of the petitioner for grant of benefit of revised pension with effect from 01.01.2016 is concerned, liberty is granted to the petitioner to file a separate representation to the respondents Corporation in

accordance with law and in case such a representation is filed then the same shall be disposed of by the Corporation strictly in accordance with law as expeditiously as possible.

(JASGURPREET SINGH PURI)

JUDGE

April 25, 2023

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Whether speaking

:

Yes/No

Whether reportable

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Yes/No