

CWP-19140-2023

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

CWP-19140-2023

Date of Decision:31.08.2023

Ramesh Kumar and another

... 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)

Through the instant petition the petitioners have prayed for issuance of a writ in the nature of Mandamus directing the respondent department to release the arrears of pensionary benefits in view of letter dated 29.10.2021 (Annexure P-2) vide which recommendations of Sixth Pay Commission were implemented regarding the pensioners and maximum limits of payable gratuity was raised from Rupees 10.00 lakh to Rupees 20.00 lakh w.e.f. 01.01.2016 by the State of Punjab, alongwith 18% interest on delayed payments of pensionary benefits. The petitioners have further prayed for issuance of direction to the respondent department to decide the

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Legal Notice dated 19.04.2023 (Annexure P-3) served by the petitioners to grant the aforesaid benefit.

Learned counsel for the petitioners contends that the petitioners are retired employees of respondent No. 6 and 7 respectively, who retired after 01.01.2016 and are entitled for revised pensionary/retirement benefits after recommendation of 6th Punjab Pay Commission and for revised gratuity granted to pensioners in view of letter dated 29.10.2021 (Annexure P-2) and other pensionary benefits like gratuity, leave encashment along with 18% interest on delayed payments. Learned counsel for the petitioners further submits that the petitioners have already raised the said grievance in the legal notice dated 19.04.2023 (Annexure P-3), which is still pending consideration with respondents and the petitioners 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 respondent Nos. 1 to 5 and Mr. M. S. Batth, Advocate has put in appearance on behalf of respondent Nos. 6 and 7 and raise no objection in deciding the legal notice dated 19.04.2023 (Annexure P-3) 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

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expressing any opinion on the merits of the case or the claim being made by the petitioners in the legal notice, respondents are directed to decide the legal notice dated 19.04.2023 (Annexure P-3), 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 petitioners are found to be entitled to the claim mentioned in the legal notice, necessary disbursement of funds shall be made to them 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