

110 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-19388-2023
Date of decision: 02.09.2023

Madan LalPetitioner
V/s
State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

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

DEEPAK MANCHANDA J. (ORAL)

The instant writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus, directing the respondents to release the amount of service-cum-retirement dues of the petitioner including pension, gratuity, provident fund, leave encashment, revised pay scale, cycle allowance and arrears and all other benefits along with interest for delayed period.

Learned counsel for the petitioner contends that petitioner was serving as Helper Pump Operator in the department of respondent No.3 and as per retirement notice dated 31.10.2022 (Annexure P-1), the petitioner was to retire on 30.04.2023. Further, on the receipt of the above notice the petitioner submitted an application that his retirement dues should be released on the day of his retirement. He submits that after the retirement of the petitioner, the benefits i.e. pension, provident fund, gratuity, leave encashment etc. have not been released to the petitioner by the respondent-Department and therefore, the petitioner is entitled for interest on delayed payments. Learned counsel further submits that

the petitioner has served a legal notice dated 21.07.2023(Annexure P-3) to

respondents, which has not been taken into consideration till date and the petitioner 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 and 2 and submits that respondent No.3 is the competent authority to decide the legal notice.

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 dated 21.07.2023(Annexure P-3), respondent No.3 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 petitione is found to be entitled to the claim mentioned in the abovesaid legal notice, necessary disbursement of funds shall be made to him within a period of 8 weeks thereafter.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

02.09.2023
Sapna

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No