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2023:PHHC:115897

CWP-19521-2023
Date of decision: 04.09.2023

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

The instant 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 full pension, arrears of pay and other pending pensionary benefits i.e. gratuity, leave encashment along with 9% interest on delayed payments of pensionary benefits.

Learned counsel for the petitioner contends that the petitioner joined the respondent-Department on regular basis on 29.10.1993 and thereafter, got retired as Clerk on 30.04.2023 from Nagar Council, Longowal, District Sangrur-respondent No.4 after serving more than 29 years of service. He submits that petitioner served in the Nagar Council, Cheema/respondent No.5 from 29.10.1993 to 17.06.2015 and thereafter, transferred to Nagar Council, Longowal District Sangrur-respondent No.4 on 18.06.2015 and served till his retirement. He submits that vide pension order dated 08.08.2023, the petitioner was issued 90% provisional pension instead of 100% pension on the ground that Nagar Council, Cheema-respondent No.4 did not transfer the petitioner's CPF fund lying at Nagar Council, Cheema to Nagar Council, Longowal-respondent No.4 after his transfer to Nagar Council, Longowal. Learned counsel

NA submits that the petitioner is entitled for full pension, arrears of salary and all

pensionary benefits under the regulations governing his conditions of service but till date the same has not been released to the petitioner. The petitioner is also entitled for interest @ 9% per annum on delayed payment of his retirement benefits in view of letter dated 10.05.1990 (Annexure P-2) issued by the Department of Finance. Learned counsel further submits that petitioner has served a legal notice dated 06.06.2023 (Annexure P-3) to the 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.

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 3 and submits that the respondent No.4 is the competent authority to take final decision. Mr. Sanjeev Soni, Advocate, who is also present in the Court, accepts notice on behalf of respondent No.4 and they do not object to the prayer made by learned counsel for the petitioner.

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 06.06.2023 (Annexure P-3), respondent No. 4 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 petitioner 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

04.09.2023
Sapna

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