

111 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-19983-2023
Date of decision: 12.09.2023

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

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Puneet Kumar Bansal, Advocate
for the petitioner.

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 respondents to pay revised gratuity, leave encashment and all other benefits along with interest @ 18% per annum from the date the said benefits became due till its actual payment.

Learned counsel for the petitioner contends that the petitioner joined with respondents as Clerk on 18.10.1977 and was posted with Municipal Council, Ferozepur and then he was promoted to the post of Inspector on 01.04.2013 and was posted at Muktsar. Thereafter, he was transferred to Nagar Panchayat, Mallanwala and lastly, he was transferred with Municipal Council, Jalalabad. He retired on attaining the age of superannuation on 31.10.2017 from the post of Inspector. The Government of Punjab has issued the Punjab Civil Services (Revised Pay) Rules, 2021 on 5th July, 2021 which came into force w.e.f. 01.01.2016 and as per the said Rule, the last pay of petitioner has increased to Rs. 71,190/- (basic pay of Rs.67,800/- plus 5% of dearness allowance). Learned counsel submits that the

petitioner is entitled to revised/increased pension, leave encashment, gratuity and all

other benefits. He further submits that on account of revision of pay, the amount of gratuity payable to the petitioner has become Rs.11,74,635/- and earlier the gratuity paid to the petitioner was Rs.10 lacs, leave encashment payable to the petitioner has become Rs.7,11,900/- and earlier the leave encashment paid to the petitioner was Rs.6,49,920/- and further, the petitioner is entitled to revised pension on the basis of revised/increased salary. Learned counsel again submits that petitioner has served a legal notice dated 31.07.2023 (Annexure P-4) 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&2 and Mr. Sanjeev Soni, Advocate, who is also present in the Court, accepts notice on behalf of respondent No.3 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 31.07.2023(Annexure P-4), 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 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

12.09.2023
Sapna