

114 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-20011-2023

Date of decision: 12.09.2023

Sunita Rani

.....Petitioner

V/s

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Nitesh Singla, 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 respondent-Department to release the arrears of revised pensionary benefits i.e. gratuity, leave encashment and Ex-gratia in view of letter dated 29.10.2021 (Annexure P-2) vide which recommendations of 6th Pay Commission were implemented regarding the pensioners and maximum limits of payable gratuity was raised from Rs.10 lacs to Rs.20 lacs w.e.f. 01.01.2016 by the State of Punjab along with interest @ 18% on delay payments of pensionary benefits.

Learned counsel for the petitioner contends that the husband of the petitioner, late Sh. Parveen Kumar was the employee of Nagar Council, Tapa/respondent No.5. He died while serving in the department on 12.05.2016. The State Government appointed the 6th Punjab Pay Commission for recommendations of pay scales to various categories of employees working in the State of Punjab and the pay scales were revised vide notification dated 05.07.2021 w.e.f. 01.01.2016. Vide letter dated 29.10.2021, Department of Finance implemented the recommendations

6th Punjab Pay Commission regarding pension and other retirement benefits of

employees who have retired on or after 01.01.2016. The maximum limits of retirement-cum-death gratuity was raised from Rs.10 lacs to Rs.20 lacs and the revised rate of DCRG shall be admissible w.e.f. 01.01.2016. Learned counsel submits that petitioner is entitled to revised pensionary benefits in view of recommendations of 6th Punjab Pay Commission implemented by the State of Punjab but till date the aforesaid pensionary benefits have not been released to the petitioner. Learned counsel further submits that petitioner has served a legal notice dated 19.04.2023 (Annexure P-4) 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.

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 to 4 and Mr. Sanjeev Soni, Advocate has put in appearance in the Court, accepts notice on behalf of respondent No.5 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 19.04.2023(Annexure P-4), respondent No.5 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 her within a period of 8 weeks thereafter.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

12.09.2023
Sapna