

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

125

CWP-20379-2023**Date of decision: 14.09.2023****SARUP LAL**

...Petitioner

Versus**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 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus, directing respondents to pay interest as per the provisions of General Provident Fund Rules on delayed deposit of provident fund and further to release the gratuity, leave encashment, provident fund (along with interest as aforesaid) and all other benefits payable @ 18 per cent interest from the date of retirement till the date of its actual payment.

Learned counsel for the petitioner submits that petitioner had joined as petrol man on 19.11.1988 and posted with Punjab Water Supply and Sewerage Board, Ferozpur Division, Ferozpur City. Thereafter, the petitioner was transferred subsequently to Gurdaspur in the year 1995 and at the time of retirement he was working under respondent No.4 and on 30.04.2023 petitioner had retired after attaining the age of superannuation. Learned counsel for the petitioner further submits that petitioner was a regular employee of the Municipal Council, Ferozpur and no complaint or enquiry was pending against him at the time of retirement and he has rendered continuous service from 19.11.1988 till 30.04.2023. Learned counsel further submits that after retirement petitioner had been paid part of provident fund of Rs.3.30 lakhs and pension only and the remaining reitral benefits have not been released to the petitioner so far and due to this the petitioner is entitled for the interest @ 18 per cent per annum from the

date of retirement till its actual payment. Learned counsel also 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 to 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 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 her within a period of 8 weeks thereafter.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

14.09.2023
Amandeep

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No