

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

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CWP-20261-2023**Date of decision: 14.09.2023****SURESH KUMAR**

...Petitioner

Versus**STATE OF PUNJAB AND OTHERS**

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA*********

Present : Mr. Lalit Chander Sharma, Advocate for
Mr. Surinder Garg, 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 remaining amount of gratuity to the tune of Rs.04,06,030/- along with interest @ 18 per cent per annum.

Learned counsel for the petitioner submits that petitioner was appointed as Peon on 01.05.1980 with the office of respondent No.3 i.e. Municipal Council, Tapa, District Barnala. The petitioner retired from service after attaining the age of 60 years on 31.07.2022. He further submits that petitioner is entitled for the gratuity amount of Rs.14,06,030/- and Rs.6,09,280/- as leave encashment amount and the total of the same comes out to Rs.20,15,310/-, whereas an amount of Rs.16,09,280/- has been paid to the petitioner and rest of the amount of Rs.4,06,030/- has not been paid to him so far. Learned counsel for the petitioner further submits that petitioner had sent several representations to the respondents regarding releasing his remaining retiral benefit but till date remaining payment has not been released to the petitioner. Learned counsel again submits that

petitioner has served a legal notice dated 10.06.2023 (Annexure P-2) 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 respondent 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 10.06.2023 (Annexure P-2), 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