

110 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-20647-2023(O&M)
Date of decision: 13.10.2023

Shri Chand

.....Petitioner

V/s

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Bhupinder Singh Kundra, 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 No. 2 and 3 to disburse the service benefits of the petitioner i.e. gratuity amount of Rs.10,00,000/-, leave encashment of Rs.6,30,143/- and salary for the month of October, November and December, 2020 with interest @ 18% along with compensation till the date of actual payment.

Learned counsel for the petitioner contends that the petitioner was appointed on 07.11.1978 as Salesman in the Mahadian Multipurpose Agricultural Cooperative Societies Limited, Mahadian, Tehsil and District Fatehgarh Sahib. The petitioner was promoted as the Secretary on 30.06.2004. The petitioner retired on 30.11.2020 but thereafter, he was given an extension of one month by the respondent No.3 by passing a resolution due to vacancy of the position till 31.12.2020. The petitioner is entitled for service benefits i.e. gratuity, leave encashment along with salary of three months extension. The total service benefits of the petitioner comes out to be Rs. 16,30,143/- out of which gratuity amount

months extension period has not been added which comes to Rs.2,16,000/- i.e. Rs.72,000/- per month. Learned counsel further contends that petitioner has served a legal notice dated 07.07.2022 (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 respondents No.1 and 2. He submits that respondent No.2 is the competent authority to decide the legal notice and if claim of the petitioner is accepted then disbursement of funds is to be made by the respondent No.3. Further, he does 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 07.07.2022 (Annexure P-2), respondent No.2 is directed to decide the legal notice in accordance with law, 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 the petitioner by respondent No.3 within a period of 8 weeks thereafter.

The petition stands disposed of.

Pending application(s), if any, also stands disposed of accordingly.

(DEEPAK MANCHANDA)
JUDGE

13.10.2023
Sapna