

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP- 20688-2023 (O&M)

Date of Decision:10.10.2023

Ram Saran

... Petitioner

V/s.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Ashish Goklaney, Advocate
for the petitioner.

DEEPAK MANCHANDA, J.(Oral)

Present civil writ petition has been filed in the nature of Mandamus under Article 226/227 of the Constitution of India by the petitioner for issuing directions to the respondents to release the remaining amount of Gratuity and Leave Encashment, as the respondent Municipal Council, Ferozepur, has failed to release the remaining amount of Gratuity and Leave Encashment, without any cogent reason.

The brief facts of the case are that the petitioner was appointed on 20.08.1993 on work charge basis in Punjab Water Supply and Sewerage Division Ferozepur, and his services were regularized in the year 2001. However, the services of the petitioner were transferred on 02.08.2005 in the Municipal Council, Ferozepur and thereafter, the services of the petitioner were transferred again in the department of Punjab Water Supply and Sewerage Board on deputation and ultimately the petitioner retired from

services on attaining the age of superannuation on 31.10.2022 from the Municipal Council, Ferozepur and the Municipal Council, Ferozepur had released regular pension to the petitioner; however, the total pensionary benefits have not been released to the petitioner so far. The respondent Municipal Council has prepared the total amount of Gratuity and Leave Encashment of the petitioner, which comes out of Rs. 14,77,643/-, which is as under:-

Amount of Gratuity	Rs. 9,46,092/-
Amount of Leave Encashment	Rs. 5,31,551/-
Total	Rs. 14,77,643/-

It is submitted that out of this amount the respondent Municipal Council Ferozepur has released amount of Rs. 2,90,000/- vide cheque dated 28.10.2022 and the remaining amount of Gratuity and Leave Encashment of Rs. 11,87,643/- is still due to the petitioner, which the respondent Municipal Council Ferozepur has failed to release the same, without any reason. Petitioner is also entitled for the release of interest @ 9% per annum on the delayed payment of his pensionary benefits, from the date when it became due, till its realization. In view of this, petitioner served a legal notice dated 25.04.2023 (Annexure P-1) to the respondents stating therein to grant retiral benefits i.e. Gratuity, Provident Fund and Leave Encashment etc. to him along with interest @ 9% per annum from the date when it became due, till its realization.

Learned counsel for the petitioner submits that the petitioner has already raised the said grievance in the legal notice dated 25.04.2023 (Annexure P-1) duly served upon the respondents and the petitioner will be satisfied at this stage, in case a direction is issued to the respondents to decide the same by passing an appropriate speaking order in a time bound

manner.

Notice of motion.

Mr. Arun Gupta, AAG, Punjab, who is present in the Court accepts notice on behalf of respondent Nos. 1 to 3. Mr. A. S. Manaise, Advocate has put in appearance on behalf of respondent No. 4 and submits that pursuant to order dated 03.10.2023, he has the instructions to inform the Court that the remaining amount shall be paid to the petitioner within a period of three months from today including gratuity and leave encashment.

I have heard learned counsel for the parties and have gone through the record of the case.

In view of the statement made by learned counsel for the respondent No.4, without expressing any opinion on the merits of the case, respondent No. 4 is directed to release the balance payment including gratuity and leave encashment with interest @ 6% per annum within a period of three months from the date of receipt of certified copy of this order.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

10.10.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No