

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

116

CWP-21324-2023

Date of decision: 25.09.2023

RAKESH KUMAR**.....Petitioner****VERSUS****THE PUNJAB STATE COOPERATIVE MILK PRODUCER'S
FEDERATION LTD & ORS****.....Respondents****CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Ms. Mehak Sharma, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

The instant petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus, directing the respondents to pay all the retiral benefits including leave encashment to the petitioner along with interest @ 18 % per annum along with all consequential benefits.

Learned counsel for the petitioner contends that the petitioner had retired from the post of Deputy Manager (Marketing) from the office of respondent No.1 on 30.09.2020 after attaining the age of superannuation. He submits that when the petitioner retired, he was entitled to receive all the service-cum-retirement dues including leave encashment from the department but leave encashment had been withheld by the respondent-department without giving any justifiable reasons. Learned counsel further submits that petitioner has served a legal notice dated 21.08.2023 (Annexure P-5) 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.

Mr. Arun Gosain, Advocate, accepts notice on behalf of the respondents and submits that he has no objection 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 21.08.2023 (Annexure P-5), respondent No. 2 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 him within a period of 8 weeks thereafter.

The petition stands disposed of.

September 25, 2023
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(DEEPAK MANCHANDA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>