

CWP-22292-2023

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2023:PHHC:129144

121 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-22292-2023

Date of decision: 05.10.2023

Kulwant Singh

.....Petitioner

V/s

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Pushp Jain, 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 respondent No.5 to release the retiral benefits i.e. gratuity amount of Rs.4,81,259/- along with interest @ 18% per annum w.e.f. 01.09.2022.

Learned counsel for the petitioner contends that petitioner was appointed as Salesman on 02.07.1986 in the office of The Danewala Multipurpose Co-operative Agricultural Services Limited, Village Danewala, Tehsil Sardulgarh, District Mansa and he remained posted there as Salesman w.e.f. 02.07.1986 to 31.03.2008. Thereafter, on 01.04.2008, the petitioner was transferred as Salesman in the office of The Uddatsadewala Multipurpose Co-operative Agricultural Service Society Limited, Village Uddatsadewala, Tehsil Budhlada, District Mansa. He remained there as Salesman w.e.f. 01.04.2008 to 31.03.2018 and then, he was promoted as Secretary. On 31.08.2022, the petitioner retired as Secretary after attaining the age of superannuation. As per the Punjab

State Co-operative Agricultural Service Society Services Rules, 1997, Punjab, the petitioner became legally entitled to retirement benefits i.e. Gratuity and Leave Encashment w.e.f. 31.08.2022. The claim of gratuity and leave encashment of the petitioner has been passed by the aforesaid Department vide Resolution No.1 and 2 dated 16.08.2022, under which a sum of Rs.8,58,462/- was sanctioned as gratuity. Further, as per the aforesaid resolution, the amount of gratuity of Rs.8,58,462/- has been divided among the Uddatadewal MPCASSL and the Danewala MPCASSL. As per distribution shown in the said resolution, out of total gratuity amount, a sum of Rs.4,81,259/- has to be paid by the Danewala MPCASSL and a sum of Rs.3,77,203/- has to be paid by The Uddatsadewala MPCASSL. A sum of Rs.5,20,280/- was also sanctioned as leave encashment which has to be paid by the Uddatsadewala MPCASSL. A total sum of Rs.13,78,742/- was forwarded to the Assistant Registrar, Co-operative Societies, Budhlada, District Mansa for pre-audit from the concerned Inspector Audit, Co-operative Societies, Bareh (Mansa) and petitioner found entitled to the said amount after completion of pre-audit. Learned counsel further contends that the petitioner has served legal notice dated 23.01.2023 (Annexure P-3) to respondents to release the gratuity amount of Rs.4,81,259/- along with 18% interest w.e.f. 01.09.2022 but the same has not been taken into consideration. He again served a legal notice dated 18.03.2023 (Annexure P-4) to the respondents, which has also 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,

He submits that respondent No.3 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.5. 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 18.03.2023 (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 the petitioner by respondent No.5 within a period of 8 weeks thereafter.

The petition stands disposed of.

05.10.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No