

121 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-22176-2023
Date of decision: 04.10.2023

Mahesh Kumar***Petitioner***

V/s

State of Punjab and others ...***Respondents***

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. K.R. Dhawan, 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 all the retiral benefits of the petitioner along with interest.

Learned counsel for the petitioner contends that petitioner was appointed as Sweeper in the office of the Nagar Council at Zira in the year 1985 and after serving about 35 years the petitioner retired on 31.07.2020 as Sweeper. The total amount of retiral benefits i.e., gratuity and leave encashment etc., of the petitioner is Rs. 12,93,601/- and out of which only Rs.6,00,000/- has been paid in three installments from 31.07.2020 to December, 2022 and remaining amount is yet to be released even after three years of his retirement. The petitioner visited the office of respondent No.3 number of times and also gave a written representation dated 17.09.2021 (Annexure P-1) to the respondent No.3 but no action has been taken by the respondent No.3 till date. Learned counsel further

contends that the petitioner has also served legal notice dated 03.05.2023 (Annexure P-2) to the respondents, which has not been taken into consideration till date. 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 & 2 and Mr. Sanjeev Soni, Advocate, who is also present in the Court, accepts notice on behalf of respondent No.3 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 03.05.2023 (Annexure P-2), respondent No. 3 is directed to decide the legal notice in accordance with the 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 him within a period of 8 weeks thereafter.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

04.10.2023
Sapna

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