

CWP-22644-2023

-1-

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

CWP-22644-2023

Date of Decision: 09.10.2023

Ram Batheri

... Petitioner

V/s.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Ishan Gupta, Advocate and
Ms. Deepali, Advocate
for the petitioner.

DEEPAK MANCHANDA, J.(Oral)

Through the instant petition the petitioner under Article 226/227 of the Constitution of India has prayed for issuance of writ in the nature of mandamus directing the respondents to grant/release the complete retiral/pensionary service benefits and dues to the petitioner (including gratuity, dearness allowance, GPF/PF deposited by him, leave encashment, medical allowance etc. and arrears of increment and other arrears) along with interest @ 18% p.a for delay in the payment of above mentioned service benefits till its realization, in view of judgment passed by full bench

CWP-22644-2023

-2-

judgment of this Hon'ble High Court in case “**A.S. Randhawa vs. State of Punjab and Others**” cited as 1997 (3) SCT, 468.

Learned counsel for the petitioner submits that the petitioner had joined the department of Respondents on 01.06.1984 as Peon and has retired from the post of Peon at Nagar Council, Gidderbaha on 31.05.2023. After retirement, the petitioner made a representation dated 11.09.2023 to the respondent Nagar Council for the grant of complete retiral/pensionary service benefits, but the same is still pending consideration with 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.

On the asking of the Court, Mr. Arun Gupta, AAG, Punjab, accepts notice on behalf of respondent Nos. 1 and 2. Mr. Sanjeev Soni, Advocate who is present in the Court accepts notice on behalf of respondent No. 3 and raised no objection in deciding the representation dated 11.09.2023 (Annexure P-2) filed by the petitioner. However, he submits that the same has not been filed with complete details.

Faced with this, learned counsel for the petitioner submits that the petitioner being illiterate person could not file complete details and prays that the present writ petition be treated as representation and the petitioner would be satisfied in case a direction is issued to respondents to decide the same by passing an appropriate speaking order in a time bound manner.

CWP-22644-2023

-3-

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

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 representation/petition, respondents are directed to treat the present writ petition as a representation and decide the same by passing a speaking order within a period of eight weeks from the date of receipt of certified copy of this order.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

09.10.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No