

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-22829-2023

Date of Decision:10.10.2023

Soma

... Petitioner

V/s

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Kamal Narula, Advocate
for the petitioner.

DEEPAK MANCHANDA, J.(Oral)

The present writ petition under Articles 226/227 of the Constitution of India issuance of appropriate writ in the nature of Mandamus directing the respondents to make the payment of remaining retiral benefits of petitioner along with interest from the date of her retirement till date, with immediate effect which has not been done by the respondents despite the service of several written representations dated 10.05.2023 (Annexure P-3).

The brief facts of the case are that previously petitioner was appointed as Sweeper on the regular basis by the respondents No.4 and 5. Further, Nagar Council Guruharshai, which is a Semi Government Department and the same is governed by the rules, Instructions and notification of the Punjab Government and Civil Service Rules are also

applicable on the service of all the employees of Nagar Council, Guruharshai. Petitioner has retired from the service on 30.06.2022 and petitioner before her retirement supplied all the formal documents to the respondents No.4 and 5 for preparation of their pension/ retiral benefits file. It is further submitted that it is the duty of the respondents No. 4 and 5 to send all the relevant documents including pension/retiral benefits of the employee including petitioner in the stipulated period before retirement to the respondents No.3. At the time of retirement of petitioner, she is entitled for retiral benefits i.e. provident fund, leave encashment, gratuity and pension etc. but earlier, the above said retirement benefit as well as her pension was not released, therefore, petitioner moved various written representation to the respondent No.5 to release all retiral benefit and her monthly pension but all in vain.

Learned counsel submits that the petitioner again sent a representation dated 10.05.2023 (Annexure P-3), 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.

Mr. Arun Gupta, AAG, Punjab accepts notice on behalf of the respondent Nos. 1 to 3. Mr. A. S. Manaise, Advocate, who is present in the Court accepts notice on behalf of the respondent No.4 and raised no objection in deciding the representation dated 10.05.2023 (Annexure P-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 dated 10.05.2023, the respondent No. 4 is directed to decide the representation dated 10.05.2023 (Annexure P-3) by passing a speaking order within a period of eight 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 representation and if there is no legal impediment, necessary disbursement of funds shall be made to her within a period of eight weeks thereafter.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

10.10.2023
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Whether speaking/reasoned	Yes
Whether Reportable	Yes /No