

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

132

CWP-23440-2023

Date of decision: 16.10.2023

GURMIT SINGH**.....Petitioner****VERSUS****PUNJAB SMALL INDUSTRIES AND EXPORT CORP. LTD.****.....Respondent****CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Dheeraj Chawla, 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 respondent to release the amount of leave encashment approx. Rs.10 Lakh, bonus amount along with interest @ 12% per annum and further to pay enhanced amount of gratuity and to revise the pay of petitioner as per 6th pay commission w.e.f. 01.01.2016 and to release arrears of pay revision and all other benefits which have been withheld by the respondent-department.

Learned counsel for the petitioner contends that the petitioner had retired from the post of Sub-Divisional Engineer from the office of respondent on 30.06.2020 after attaining the age of superannuation. He submits that when the petitioner got retired, he was entitled to receive all the service-cum-retirement dues from the department but the amount of leave encashment approx. Rs.10 Lakh, bonus amount along with interest @ 12% per annum, enhanced amount of gratuity and the remaining dues had been withheld by the respondent-department

without giving any justifiable reasons. Learned counsel further submits that

petitioner has served a legal notice dated 24.08.2023 (Annexure P-8) to the respondent, 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.

In pursuance of the advance notice, Mr. Abhilaksh Gaind, Advocate, has put in appearance and accepts notice on behalf of the respondent and submits that the respondent is the competent authority to take final decision and the respondent 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 24.08.2023 (Annexure P-8), respondent 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.

October 16, 2023
Nisha-II

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No