

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

134

CWP-23467-2023
Date of decision: 16.10.2023

GURMAIL SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Harshit Jain, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

The instant 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 the entire pending retiral benefits of Rs.11,37,000/- including encashment and gratuity along with interest at the rate of 18% per annum 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 Driver from the office of respondent No.2 on 30.06.2023 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 pending retiral benefits of Rs.11,37,000/- including leave encashment and gratuity along with interest @ 18 % per annum had been withheld by the respondent-department without giving any justifiable reasons.

Learned counsel further submits that the petitioner has approached the Executive

Officer, Municipal Council, Sangrur-respondent No.2 by way of

application/representation dated 28.09.2023 (Annexure P-2), which has not been taken into consideration till date and the petitioner would be satisfied if necessary directions are given for deciding the application/representation in a time bound manner.

Notice of motion.

On asking of the Court, Mr. Arun Gupta, AAG, Punjab, who is present in the Court, accepts notice on behalf of the respondent No.1 and submits that the respondent No.2 is the competent authority to take final decision. Mr. Sanjeev Soni, Advocate, who is also present in the Court, accepts notice on behalf of respondent No.2 and they do 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 application/representation dated 28.09.2023 (Annexure P-2), respondent No.2 is directed to decide the application/representaiton, 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 application/representation, 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	Yes/No
Whether reportable	Yes/No