

CWP-24060-2023

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2023:PHHC:144164

112 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-24060-2023

Date of decision: 14.11.2023

Avtar Singh (Since deceased) through L.R Gurmeet KaurPetitioner

V/s

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Vishal Sharma, 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 grant all retiral benefits to the husband of the petitioner for the service rendered from March 1990 to 24.05.2020 for the service rendered in the respondents societies from 1990 till his death on 24.05.2020 with 18% interest for delayed payments till the actual date of payment and also grant outstanding salary for the month of February, March, 2012 @ 44,182 per month and deposit of Rs.56,246/- and security of Rs.10,000/- total Rs. 1,10,428/- with interest of Rs.1,04,850/- total Rs.2,15,278/- from the respondents societies and to grant all the retiral benefits and salary for the month of April 2012 with interest @ market rates.

Learned counsel for the petitioner contends that the husband of the petitioner was appointed as Secretary in The Buggran Co-operative Agriculture Service Society Ltd. Distt. Bathinda which is under the control of Registrar Co-

operative Societies, Punjab. The husband of the petitioner was transferred to the Chottian Co-operative Agriculture Service Society in the year 1998 and further with the approval of Assistant Registrar, Co-operative Societies Phul, he was transferred to the Ballianwali Co-operative Agriculture Society in the year 2012 where he had worked as Secretary till his death, while on duty, in an accident on 24.05.2020. The respondent no. 1 issued instructions enhancing the entitlement of leave encashment of employees of Co-operative Agriculture Service Society to 210 days in place of 180 days earlier in service rules 1997. The limit of 210 days is further raised to 300 days on pattern of Punjab Govt. Employee vide instructions dated 08.07.2016 (Annexure P-3). The payment of gratuity Act, 1972 is amended from 24.05.2010 and Maximum Limit of Gratuity is raised from 3.50 lacs to 10.00 lacs and the Govt. of Punjab through Department of Finance issued instructions to implement the amendment made in the Payment of Gratuity Act, 2010 as applicable from 24.05.2010 and directs the Public Undertaking and Apex Co-operative Institutions to implement the amendment (Annexure P-5). The husband of the petitioner before his death on 24.05.2020 made number of requests to respondent No.4-the Assistant Registrar to make payment of his salary for February and March, 2012 of Rs. 44,182/-, deposit of Rs. 56,246/- and Security of Rs. 10,000/- total amounting to Rs. 1,10,428/- and interest of Rs. 1,04,850/- on these amounts total Rs. 2,15,278/- and requested the personal intervention of respondent No. 4 but no action has been taken till today. After the death of husband of the petitioner, his son Harjit Singh submitted a representation to the respondent No. 4 and requested him to get the payment of outstanding salary and retirement gratuity of his late father paid from the concerned societies but no action has been taken on the representation and a simple inquiry was

take action regarding the payment of Gratuity and the Secretary of Society makes a statement that no stock etc. was due against husband of the petitioner Sh. Avtar Singh. Learned counsel further contends that petitioner has served a legal notice dated 01.06.2023 (Annexure P-9) to respondents, 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.

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 to 4. He submits that respondent No.3 is the competent authority to decide the legal notice and if claim of the petitioner is accepted then disbursement of funds is to be made by the respondent No.5.

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 01.06.2023 (Annexure P-9), respondent No.3 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 the petitioner by respondent No.5, where the husband of the petitioner was lastly working and died in harness, within a period of 8 weeks thereafter.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

14.11.2023
Sapna