

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

118

CWP-24724-2023

Date of decision: 03.11.2023

UPINDER SINGH

.....Petitioner

VERSUS

DEPARTMENT OF LOCAL GOVERNMENT PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Harmeet Singh, 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 pensionary benefits/retiral dues along with interest on the delayed payment of pensionary benefits @ 24% per annum as per settled law, which have been withheld by the respondent-department illegally and arbitrarily.

Learned counsel for the petitioner contends that the petitioner joined the respondent-department i.e. Municipal Council at Kaprthala on 10.10.1980. He retired from the post of Pump Operator from the office of respondent No.4 on 30.10.2016 and was allowed extension of one year of service from 01.01.2017 to 31.12.2017 and thereafter retired on 31.12.2017. He submits that when the petitioner got retired, he was entitled to receive all the service-cum-retirement dues from the department but pensionary benefits/retiral dues have been withheld by the respondent-department without giving any justifiable reasons. Learned

counsel further submits that petitioner has served a legal notice dated 12.09.2023 (Annexure P-4) to the 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.

On asking of the Court, Mr. Arun Gupta, AAG, Punjab, who is present in the Court, accepts notice on behalf of respondents No.1 to 3-State and submits that the respondent No.4 is the competent authority to take final decision and he 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 12.09.2023 (Annexure P-4), respondent No.4 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.

(DEEPAK MANCHANDA)
JUDGE

November 03, 2023
Nisha-II

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No