

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

125

CWP-25251-2023
Date of decision: 08.11.2023

KULDEEP KUMAR

.....Petitioner

VERSUS

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 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 the outstanding retirement dues of the petitioner on his retirement on 09.03.2021 including gratuity of Rs.7,06,497/- and leave encashment of Rs.4,28,180/- total dues amounting to Rs.11,34,677/- and deposit of Rs.2 lacs shown in the balance sheet of the society for the year ending 31.03.2021 and the outstanding salary of the petitioner from 01.09.2020 to 09.03.2021 amounting to Rs.28,75,390/- which is also shown payable in the balance sheet for the year ending 31.03.2021 in which amount of Rs.3,87,817/- is shown as payable salary which includes the salary of the petitioner and the respondents be directed to grant the same with 12 % interest for delayed payments till the actual date of payment as per Full Bench judgment of this Court in “*R.S. Randhawa Vs. State of Punjab*”, 1997 (3) RSJ 318.

Learned counsel for the petitioner contends that the petitioner had joined the services as Salesman on 15.09.1980 and retired as Secretary from the office of respondent No.5-The Mandi Kalan Multipurpose Cooperative Agriculture Service Society Ltd., Mandi Kalan, Tehsil Maur, District Bathinda on 09.03.2021 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 outstanding retirement dues of the petitioner on his retirement including gratuity of Rs.7,06,497/- and leave encashment of Rs.4,28,180/- total dues amounting to Rs.11,34,677/- and deposit of Rs.2 lacs shown in the balance sheet of the society for the year ending 31.03.2021 and the outstanding salary of the petitioner from 01.09.2020 to 09.03.2021 amounting to Rs.28,75,390/- which is also shown payable in the balance sheet for the year ending 31.03.2021 in which amount of Rs.3,87,817/- is shown as payable salary and 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 06.07.2023 (Annexure P-9) 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 the respondents No.1 to 4 and submits that respondent No.3 is the competent authority to take final decision. 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 06.07.2023 (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 him within a period of 8 weeks thereafter.

The petition stands disposed of.

November 08, 2023
Nisha-II

(DEEPAK MANCHANDA)
JUDGE

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