

CWP-25002-2023
Date of decision: 30.11.2023

Sukhwinder Singh**Petitioner**

V/s

State of Punjab and others ...**Respondents**

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Sushil Saini, 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 pay the interest @ 18% per annum on the delayed payment of gratuity amounting to Rs.14,62,818/- which has been paid to the petitioner after the delay of about 15 months without any reasonable cause and excuse.

Learned counsel for the petitioner contends that the petitioner retired as Inspector from the office of Municipal Council, Gurdaspur on 31.03.2022. The petitioner has filed C.W.P. No. 12038 of 2023 for releasing the full payment of gratuity payable to the petitioner alongwith interest @ 18% per month from the date of accrual till the final payment. The aforesaid civil writ petition was disposed of on 30.05.2023 by this Court. Despite passing of aforesaid order dated 30.05.2023, the gratuity was not released to the petitioner and thereafter, he has filed COCP No. 2793 of 2023 for non-compliance of order dated 30.05.2023, which was pending for 21.11.2023. During the pendency of the aforesaid COCP,

the full amount of gratuity has been released, but no interest has been paid on the delayed payment of the gratuity to the petitioner. The petitioner is entitled to balance amount of the gratuity payable to him alongwith the interest @ 18% per annum. He further contends that the petitioner has also served a legal notice dated 03.10.2023 (Annexure P-2) 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, 2 & 4 and Mr. Sanjeev Soni, Advocate has put in appearance in Court, accepts notice on behalf of respondent No.3 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 legal notice dated 03.10.2023 (Annexure P-2), respondent No.3 is directed to decide the aforesaid 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 within a period of 8 weeks thereafter.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

30.11.2023
Sapna

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