

1
2023:PHHC:141013

CWP-25033-2023
Date of decision: 06.11.2023

 V/s

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

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

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 release the payment of complete retiral benefits including pension, gratuity, provident fund and other payable emoluments to the petitioner along with interest @ 18% from the date of its entitlement till the final payment.

Learned counsel for the petitioner contends that the petitioner retired as Sectional Officer from the office of Municipal Council Gurdaspur on 30.04.2023 vide letter dated 28.04.2023 issued by the office of Directorate, Local Bodies Department, Punjab as per Rule 14 of the Punjab Municipal Services (Recruitment and Conditions of Services) Rules 1975. The complete pensionary benefits have not been released to the petitioner till date except the amount pertaining to leave encashment. In this regard, the petitioner has also served a legal notice dated 22.09.2023 (Annexure P-1) 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, Ms. Jasleen Kaur Sidhu, DAG Punjab, who is present in the Court, accepts notice on behalf of the respondents No.1, 2 & 5 and submits that the respondent No.4 is the competent authority to decide the legal notice.

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 22.09.2023 (Annexure P-1), 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.

06.11.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

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