

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115

CWP-25358-2023

Date of decision: 09.11.2023

BALBIR SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Puneet Kumar Bansal, 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 pay revised gratuity, revised leave encashment and all other benefits along with interest @ 18% per annum from the date the said benefits became due till its actual payment.

Learned counsel for the petitioner contends that the petitioner had joined the office of respondent No.3-Municipal Council, Ferozepur on 06.02.1984 as Sewadar and he was due to retire on 31.12.2017, upon attaining the age of superannuation from the post of Clerk but he got one year extension in service and got retired on 31.12.2018. Learned counsel submits that when the petitioner got retired, he was entitled to pension, gratuity, leave encashment, provident fund etc. from the department but the said benefits were not released due to which he had filed a petition CWP No.18413 of 2019. Since the payment was not made, he was also forced to file contempt petition, which came up as COCP No.549 of 2020 and thereafter, the benefits were released. Learned counsel further submits

that the petitioner is also entitled to revised gratuity and revised leave encashment

which has been withheld by the respondent-department without giving any justifiable reasons. Learned counsel further submits that petitioner has served a legal notice dated 03.10.2023 (Annexure P-2) 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 & 2 and submits that the respondent No.3 is the competent authority to take final decision. Mr. Sanjeev Soni, Advocate, who is also present in the 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 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 09, 2023
Nisha-II

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No