

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

110

CWP-25467-2023

Date of decision: 05.12.2023

KARNAIL SINGH AND ORS.

.....Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Ms. Kriteka Sheokand, Advocate
for the petitioners.

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 interest @ 9 % per annum on the delay on payment of Gratuity amount for the period of service rendered by the petitioners with the State of Punjab before their absorption with the Punjab State Tubewell Corporation in view of the judgment dated 10.05.2018 passed in CWP No.17408 of 2014 titled as "*Paul Singh and ors. Versus State of Punjab and others*" and CWP No.17831 of 2014 titled as "*Subhash Chander and ors Versus State of Punjab and ors*".

Learned counsel for the petitioners contends that the petitioners were appointed as tube well operators, mechanics, electricians etc. between 1971 to 1978 for running the tube wells in various villages all over the State of Punjab for irrigation purposes. In the year 1982, the State of Punjab took a decision that all the tube wells of the Punjab State Tube Well Circle Irrigation Branch were

transferred to the Punjab State Tube well Coporation. Learned counsel submits

that the petitioners had retired as tube well operators from the office of respondent No.2-Punjab Water Resources and Management & Development Corporation after attaining the age of superannuation. He further submits that the respondent-department had paid them the leave encashment, gratuity for the period of service they have rendered with Punjab State Tube Well Corporation. However, the leave encashment, gratuity for the period the petitioners rendered service with the State of Punjab were not given to them. He submits that similarly situated employees have approached this Hon'ble Court and vide order dated 10.05.2018 passed in CWP-17831-2014 and CWP-17408-2014 Accountant General (A& E), Punjab, Chandigarh was directed to take final decision with regard to cases of the remaining petitioners therein for the grant of gratuity within a period of one month positively and further the respondent(s) shall ensure the payment of the amount of gratuity to the petitioner within a period of next one month along with 9% per annum interest from the date of institution of said petition(s). Learned counsel for the petitioners submits that respondents have granted the interest on the delayed payment of gratuity only to those employees, who have filed case(s) before this Court but the same was not paid to the petitioners and feeling aggrieved petitioners have served a legal notice dated 17.10.2023 (Annexure P-4) to the respondents, which has not been taken into consideration till date and the petitioners 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 & 4 and submits that the respondent No.4 is the competent authority to take final decision.

Mr. Gagandeep Goel, Advocate, who is also present in the Court, accepts notice on behalf of respondents No.2 & 3 and filed his *Vakalatnama*, which is taken on

record. They do not object to the prayer made by learned counsel for the petitioners.

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 petitioners in the legal notice dated 17.10.2023 (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 petitioners are found to be entitled to the claim mentioned in the abovesaid legal notice, necessary disbursement of funds shall be made to them within a period of 8 weeks thereafter.

The petition stands disposed of.

December 05, 2023
Nisha-II

(DEEPAK MANCHANDA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>