

119 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-25406-2023
Date of decision: 09.11.2023

Kulwant RaiPetitioner
V/s
State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. P.K. Goklaney, 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 respondent No.6 to release the amount of Rs.3,75,047/- for the service which the petitioner rendered in Punjab Water Supply and Sewerage Board along with interest @9% from the date when it became due till its realization and further directions be issued to the respondents to reduce the rate of interest on pension contribution, which has been taken @12% from the petitioner.

Learned counsel for the petitioner contends that the petitioner joined the service on 15.03.1993 in Punjab Water Supply & Sewerage Board Sub-Division Fazilka and later on his services were regularized in Municipal Council, Fazilka and the services of the petitioner were transferred to Municipal Council, Fazilka where he was confirmed and ultimately, he retired from the service on 30.11.2021 from the said Department. The due pensionary benefits were released by the Municipal Council, Fazilka to the petitioner but the benefits of service which the petitioner served in Punjab Water Supply and Sewerage Board has not

Punjab Water Supply & Sewerage Board as such while counting the amount of gratuity and leave encashment, the total amount comes to be Rs.3,52,812/- which has to be paid by the Punjab Water Supply & Sewerage Board. The Municipal Council Fazilka has prepared a detailed chart, the details of amount of gratuity and leave encashment, the total amount comes to Rs.3,75,047/-. As such, the petitioner is entitled for release of amount of Rs.3,75,047/- for the service which he had rendered in Punjab Water & Sewerage Board along with interest from the date when it became due till its realization. Learned counsel further contends that petitioner has served a legal notice dated 18.08.2023 (Annexure P-5) 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. Tara Dutt, Advocate for Mr. Sanjeev Soni, Advocate has put in appearance in the Court and accepts notice on behalf of respondents No.5 and 6. Learned State counsel submits that respondent No.5 is the competent authority to decide the legal notice and if claim of the petitioner is accepted then disbursement of funds is to be made by the respondent No.6.

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 18.08.2023 (Annexure P-5), respondent No.5 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

legal notice, necessary disbursement of funds shall be made to the petitioner by respondent No.6 within a period of 8 weeks thereafter.

The petition stands disposed of.

09.11.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

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