

CWP-25404-2023

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2023:PHHC:143282

117 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-25404-2023

Date of decision: 09.11.2023

Ashok Kumar

.....Petitioner

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 respondents to release the arrears of revised pension, gratuity, leave encashment w.e.f. 01.01.2016 in view of the recommendations of 6th Punjab Pay Commission along with interest from the date when it became due till its realization and further directions be issued to respondents to reduce the rate of interest on pension contribution, which has been taken @12% from the petitioner and to refund the amount which has been taken under the garb of interest on pension contribution and further to release the interest on delayed payment of pensionary benefits.

Learned counsel for the petitioner contends that the petitioner was appointed as a Pump Operator in the Department of Water Supply and Sewerage Board, Division Ferozepur on 10.01.1979 on Work-charge basis and his services were regularized on 22.02.1991 and thereafter, his services were transferred to Municipal Council, Fazilka and the services of the petitioner were confirmed by

the Municipal Council, Fazilka and ultimately, the petitioner retired from the

service on 31.10.2018 after availing two years extension in service from Municipal Council, Fazilka. After the retirement of the petitioner, the petitioner submitted numerous representations to the department for the release of his pensionary benefits, however, Municipal Council, Fazilka vide letter dated. 19.11.2018 informed the petitioner that total amount of Rs.15,69,400/- is to be paid to the petitioner, out of which an amount of Rs.6,01,779/- is to be paid by the Municipal Council, Fazilka and the remaining amount of Rs.9,67,621/- is to be paid by the Sewerage Board. Learned counsel further contends that petitioner has even served a legal notice dated 18.08.2023 (Annexure P-7) raising his grievance 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. 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. 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 18.08.2023 (Annexure P-7), respondent No.5 is directed to decide the legal notice, by passing a speaking order within a period of 8 weeks

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 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