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2023:PHHC:144229

CWP-25520-2023
Date of decision: 14.11.2023

V/s

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

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 recommendations of 6th Punjab Pay Commission along with interest from the date when it became due till its realization and with a further directions 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 to release the interest on delayed payment of pensionary benefits.

Learned counsel for the petitioner contends that the petitioner was the employee of Municipal Council, Fazilka and served the office of Punjab Water Supply and Sewerage Board on deputation and as such being the employee of Municipal Council, Fazilka, all the pensionary benefits were to be released to the petitioner by the Municipal Council, Fazilka. The department has failed to

release the interest on the delayed payment of pensionary benefits, as submitted

earlier the petitioner retired from service on 31.07.2017 after availing one year extension, as such the petitioner is fully eligible and entitled interest @ 9% on the delayed payment of pensionary benefits. Learned counsel further contends that the petitioner has also 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. Sanjeev Soni, Advocate who is also present in the Court, accepts notice on behalf of respondents No.3, 5 & 6 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 18.08.2023 (Annexure P-5), respondent No.5 is directed to decide the aforesaid 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 the petitioner within a period of 8 weeks thereafter.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

14.11.2023
Sapna

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No