

CWP-26038-2023
Date of decision: 20.11.2023

.....Petitioner

STATE OF PUNJAB AND OTHERS

.....Respondents

Present: Mr. Jawahar Lal Goyal, Advocate for
Mr. Vivek Aggarwal, 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 grant benefit of two increments of B.A. qualification for purpose of gratuity and to pay arrears of gratuity after giving benefit of two increments which were given to the petitioner after his retirement on the basis of graduate qualifications and other retirement benefits had been revised and revised/enhanced leave encashment has been paid to the petitioner amounting to Rs.18,310/- on basis of above two increments but enhanced gratuity on basis of above two increments is not being paid to petitioner by respondents and arrears of gratuity be paid along with interest @ 12 % per annum to the petitioner after granting benefit of two increments to petitioner for purpose of gratuity.

Learned counsel for the petitioner contends that the petitioner retired from the post of Manager from Punjab State Co-operative Bank on 31.05.2004 after attaining the age of superannuation. He submits that when the petitioner got

retired, he was entitled to receive all the service-cum-retirement dues from the department but revised leave encashment amounting to Rs.18310/- has been paid on 28.04.2009 but revised gratuity has not been paid to the petitioner on the basis of revised pay after grant of above mentioned two increments without giving any justifiable reasons. Learned counsel further submits that petitioner has served representation dated 09.05.2023 (Annexure P-7) 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 representation 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. He does 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 representation dated 09.05.2023 (Annexure P-7), respondent No.3 is directed to decide the aforesaid representation, 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 representation, 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

November 20, 2023
Sapna