

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-26301-2023

Date of decision: 23.11.2023

GURCHARAN SINGH**.....Petitioner****VERSUS****STATE OF PUNJAB AND OTHERS****.....Respondents****CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Surinder Garg, 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 release the remaining amount of gratuity, Leave Encashment, GPF, DA installments, Arrears of revised pay as well as revised pension and all other benefits which have been withheld by the respondent-department along with interest @ 18 % per annum.

Learned counsel for the petitioner contends that the petitioner was appointed on the post of Peon in the office of respondent No.4-Municipal Council, Raman, District Bathinda on 01.04.1981 and as per Service Book of the petitioner, he was promoted as Junior Assistant and retired on 31.03.2020 after availing two years extension in service for a period of 01.12.2018 to 31.03.2020. He submits that when the petitioner got retired, he was entitled to receive all the service-cum-retirement dues from the department but remaining amount of gratuity, Leave Encashment, GPF, DA installments, Arrears of revised pay as well

as revised pension had been withheld by the respondent-department without

giving any justifiable reasons. Learned counsel further submits that petitioner has served a legal notice dated 23.09.2023 (Annexure P-2) 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 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 to 3 and submits that the respondent No.4 is the competent authority to take final decision. Mr. Sanjeev Soni, Advocate, who is also present in the Court, accepts notice on behalf of respondent No.4 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 23.09.2023 (Annexure P-2), 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 petitioner is found to be entitled to the claim mentioned in the abovesaid legal notice, necessary disbursement of funds shall be made to him within a period of 8 weeks thereafter.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

November 23, 2023
Nisha-II

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No