

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

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CWP-26348-2023

Date of decision: 23.11.2023

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

Present: Mr. Peeush Gagneja, 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 service-cum-retirement dues such as Gratuity, Leave Encashment, Provident Fund, Medical Allowance and all other remaining service-cum-retirement benefits along with interest for delayed period.

Learned counsel for the petitioner contends that the petitioner was appointed on the post of Fireman on 10.12.1985 in the office of Municipal Council, Malout, District Sri Muktsar Sahib-Respondent No.5 where he served till 05.01.2017. The petitioner served in the office of Municipal Council, Fazilka from 06.01.2017 to 22.06.2017 and then at Municipal Council, Sri Muktsar Sahib from 23.06.2017 till 28.02.2023. Although the petitioner has to retire on 31.07.2026 on attaining the age of 58 years, due to domestic problems, the petitioner had submitted an application dated 01.12.2022 (Annexure P-1) for voluntary retirement from service with 03 months advance notice. While working as Sub-Fire Officer, Sri Muktsar Sahib, vide order dated 01.03.2023, respondent No.2-Director, Local Government issued No Due Certificate and granted voluntary retirement to the petitioner w.e.f. 28.02.2023. Learned counsel submits that when the petitioner got retired, he was entitled to receive all the service-cum-retirement dues from the

Council but only an amount of Rs.7,70,000/- had been released to him and Gratuity, Leave Encashment, Provident Fund, Medical Allowance and all other remaining service-cum-retirement benefits had been withheld by the respondent-department without giving any justifiable reasons. Learned counsel further submits that petitioner has served a legal notice dated 03.10.2023 (Annexure P-5) 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 respondents No.4 to 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 03.10.2023 (Annexure P-5), 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