

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

232

CWP-36595 of 2019

Date of Decision:10.04.2023

Shashi Pal

....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Arnav Kumar, Advocate,
for the petitioner.

Mr. Sandeep Chopra, DAG, Punjab

Mr. Manish Jolly, Advocate, for
Mr. Dhirinder Kamal Saldi, Advocate,
for respondents No.3 and 4.

JASGURPREET SINGH PURI, J. (Oral)

The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of *mandamus* directing respondent No.3 to release the balance amount of Rs.5158/- alongwith interest towards CPF and further direction to respondent No.4 to release the amount of Rs.20,070/- towards gratuity.

Learned counsel for the petitioner submitted that the petitioner has not been paid the full gratuity and the CPF after his retirement on 31.08.2012 and therefore the petitioner was entitled for the grant of aforesaid amount alongwith interest. He submitted that as per Annexure P-13, the gratuity which was payable to the petitioner was Rs.26,070/- and the same has also been so

stated in Annexure P-15 that the same was liable to be paid by the respondents and therefore directions be issued in this regard.

On the other hand, Mr. Manish Jolly, Advocate appearing on behalf of Mr. Dhirinder Kamal Saldi, learned counsel for respondents No.3 and 4 has filed reply of respondent No.4-Executive Officer-cum-BDPO in the Court today and a copy thereof has been supplied to learned counsel for the petitioner who has stated that he has perused the same. While referring to the reply filed by the aforesaid respondent, he submitted that in fact the entire service record of the petitioner has been again perused and it has been found that the total amount of gratuity which has been paid to the petitioner is Rs.6,14,460/- and he was entitled for Rs.6,22,661/- and therefore the balance amount was Rs.8201/-. This amount has already been paid to the account of the petitioner on 28.10.2022.

Apart from the above, even interest on the aforesaid amount of Rs.8201/- has also been paid @12% per annum to the petitioner which is of the amount of Rs.10,038/-. The said amount has been paid to the account of the petitioner on 31.10.2022 vide Annexure R-3. He submitted that in this way the entire gratuity has been paid to the petitioner alongwith interest. He submitted that so far as the balance amount of CPF is concerned, an amount of Rs.5158/- alongwith interest @7% per annum i.e. totalling an amount of Rs.13,298/- has also been paid to the account of the petitioner vide Annexure R-4. He submitted that in this way the entire outstanding dues of the petitioner have been paid alongwith interest and therefore nothing survives in the present petition and the same has been rendered infructuous.

Learned counsel appearing on behalf of the petitioner submitted that although in view of the affidavit filed by the respondents, the petition would become infructuous but the petitioner may be granted liberty to approach the concerned authority that in case there is any mistake with regard to the calculation, then a separate representation be filed to respondent No.4 or any other concerned authority in this regard. The prayer made by learned counsel appearing on behalf of the petitioner seeking liberty for making a representation in case an error in calculation is detected is just and proper.

Liberty is granted to the petitioner to file any representation/application in case any error with regard to the calculation is detected and in case such a representation/application is filed then the same shall be considered expeditiously by respondent No.4

In view of the above, the present writ petition is disposed of as having been rendered infructuous.

(JASGURPREET SINGH PURI)
JUDGE

April 10, 2023

dinesh	Whether speaking	:	Yes/No
	Whether reportable	:	Yes/No