

CWP-27543-2023

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2023:PHHC:156284

127 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-27543-2023

Date of decision: 07.12.2023

Satnam Singh

.....Petitioner

V/s

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 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 amount of arrears of Gratuity and Leave Encashment along with 18% interest on the basis of the revised pay fixation and further directions be issued to respondents to release the arrears of revised salary from 01.01.2016 to 30.04.2021 along with 18% interest and the amount of Provident Fund lying to the credit of the petitioner, along with statutory interest which has not been paid to the petitioner at the time of his retirement and benefit of 32 years of service be also given to him.

Learned counsel for the petitioner contends that the petitioner was working as Peon with Municipal Council, Kotkapura-respondent No.3 and he retired as such on 30.04.2021 after attaining the age of superannuation. After

retirement, the retirement benefits of the petitioner were not paid to him. Then he

served a legal notice dated 25.09.2021 to the respondents to release his retirement benefits and the said benefits were claimed on the basis of unrevised pay scale as till that time the revised pay scales were not made applicable. When the benefits were not paid to the petitioner, then he filed CWP-24483-2021 to direct the respondents to release his retirement benefits along with interest and the said writ petition was disposed of on 02.12.2021 with a direction to the respondents to decide the legal notice dated 25.09.2021 within a period of one month and if the petitioner is found entitled for any monetary benefits, the same shall be released to him without any delay. Thereafter, the benefits along with interest were paid to the petitioner.

Learned counsel for the petitioner submits that on 05.07.2021, the Punjab Government issued a notification for revising the pay scale of the Government Employees in view of 6th Pay Commission and the said pay scale revision is also applicable to the Municipal Council employees like the petitioner. Thereafter, the Punjab Government issued Notification No.3/01/2021-3FPPC/281 dated 29.10.2021 vide which the maximum limit of retirement-cum-death gratuity has been raised from Rs.10 Lac to Rs.20 Lacs and the revised rates of DCRG shall be admissible w.e.f. 01.01.2016. In view of the above, the payment of the petitioner is liable to be refixed at the time of his retirement and his benefits are to be calculated on the said pay scale and are liable to be paid to him. Learned counsel further contends that the petitioner has also served legal notice dated 25.07.2023 (Annexure P-3) 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.

On asking of the Court, Mr. Arun Gupta, AAG Punjab, who is present in the Court, accepts notice on behalf of respondents No.1 & 2 and submits that respondent No.3 is the competent authority to decide the legal notice.

Mr. Sanjeev Soni, Advocate, who is also present in the Court, accepts notice on behalf of the respondent No.3.

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 25.07.2023 (Annexure P-3), respondent No.3 is directed to decide the aforesaid legal notice in accordance with law, 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.

07.12.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No