

119

2023:PHHC:159308

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

CWP-27769-2023

Date of decision : 12.12.2023

Mukhtiar Singh (deceased) through LRs

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Vishal Sharma, Advocate
for the petitioner.

DEEPAK MANCHANDA, J.

The present writ petition has been filed under Article 226/227 of the Constitution of India by the petitioner seeking issuance of writ in the nature of mandamus directing the respondents to grant all retiral benefits including gratuity and leave encashment i.e. total dues amounting to Rs.12,29,679/- with 12% interest on delayed payment till the actual date of payment to widow of petitioner, who had retired on 31.05.2017. Further, the prayer has been made for issuance of directions to respondents to grant all retirement dues of Rs.12,29,679/-with interest @ 12% market rates till the date of actual payment.

Learned counsel for the petitioner submits that the petitioner- Mukhtiar Singh joined the office of respondent No. 5/Society as Secretary on 16.03.1979, which is under the control of respondent No.2. He was granted the pay scale in the grade of 4020-6200 with benefit of one annual increment in the new pay scale w.e.f.1998. On 08.07.2016, respondent No.2 issued instructions

regarding earned leave entitlement to the employees of Primary Co-operative Societies and employees retiring after 08.07.2016 are entitled to Leave encashment of 300 days instead of 210 days. On 31.05.2017, resolution was passed that Mukhtiar Singh retired from service on completing 60 years of age and is held entitled to retirement benefit of Rs.12,29,679/- according to the service rules. Later on, Mukhtiar Singh retired on 31.05.2017, however, his retirement dues were not paid. He further submits that Mukhtiar Singh expired on 08.10.2020 and as he was entitled to benefits of Rs.12,29,679/- according to the service rules, but the same are not paid to him, therefore, wife of late Mukhtiar Singh moved representation dated 24.09.2021 (Annexure P-6), however, no action has been taken. Learned counsel for the petitioner further submits that the legal heirs of petitioner has already raised the said grievance in the legal notice dated 29.05.2023 (Annexure P-7), which is still pending consideration with respondents and the petitioner will be satisfied at this stage, in case a direction is issued to the respondents to decide the same by passing an appropriate speaking order in a time bound manner.

Notice of motion.

At this stage, on the asking of the Court, Mr. Arun Gupta, AAG, Punjab, who is present in Court accepts notice on behalf of respondent Nos. 1 to 4. He submits that respondent No.3 is the competent authority to decide the legal notice and if claim of the petitioner is accepted, the disbursement of funds is to be made by respondent No.5 and raises no objection in deciding the legal notice dated 29.05.2023 (Annexure P-7) in a time bound manner by passing an appropriate speaking order.

I have heard learned counsel for the parties and have gone through

the record of the case.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made in the legal notice, respondent No.3 is directed to decide the legal notice dated 29.05.2023 (Annexure P-7), by passing a speaking order within a period of eight weeks from the date of receipt of copy of this order and if there is no impediment, let needful be done within a period of further eight weeks in accordance with law.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

12.12.2023
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No