

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

118

CWP No.5319 of 2024 (O&M)
Date of decision: 21.03.2024

Ashok Kumar

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Harshit Jain, Advocate
for the petitioner.

Mr. Rajesh Sehgal, Addl. A.G., Punjab
for respondent No.1.

Mr. Sanjeev Soni, Advocate
for respondent No.2.

NAMIT KUMAR J. (Oral)

1. Prayer in this writ petition filed by the petitioner under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing the respondents to release the pending retiral benefits of the petitioner i.e. Rs.11,94,001/- on account of leave encashment and gratuity along with interest.
2. Learned counsel for the petitioner submits that the petitioner has retired on attaining the age of superannuation on 30.04.2023, and he was released part of the retiral benefits on account of gratuity and leave encashment on various dates as mentioned in para 6 of the petition but still, a sum of Rs.11,94,001/- is due.
3. Learned counsel for the petitioner has relied upon a Full Bench judgment of this Court in *A.S. Randhawa Vs. State of Punjab*

2024:PHHC:040749

and others, 1997(3) S.C.T. 468, to submit that where there is an inordinate delay in releasing benefits and the delay is not justifiable, the employee will be entitled for interest.

4. He has further relied upon the judgment of Coordinate Bench of this Court in *J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355*, to submit that an employee will be entitled for the interest on an amount which has been retained by the respondents without any valid justification.

5. Learned counsel for the petitioner lastly, submits that for claiming the said amount and interest on the delayed retiral dues, the petitioner has already served a legal notice dated 26.02.2024 (Annexure P-1), upon the respondents and he would be satisfied, if time bound directions are issued to the respondents to consider and decide the same.

6. Notice of motion.

7. Mr. Rajesh Sehgal, Addl. A.G., Punjab accepts notice on behalf of respondent No.1 while Mr. Sanjeev Soni, Advocate, who is on the panel of Department of Local Government, Punjab, has accepted notice on behalf of respondent No.2 and have no objection to the innocuous prayer made by learned counsel for the petitioner. However, learned counsel for respondent No.2, submits that as a matter of fact, Rs.11,94,001/- has been paid to the petitioner and only an amount of Rs.10,38,954/- is due to be paid to the petitioner, which is the part payment of gratuity and leave encashment.

8. I have heard learned counsel for the parties and have gone through the record of the case.

2024:PHHC:040749

9. Without expressing any opinion on the merits of the case or the claim being made by the petitioner in the present petition, respondent No.1, is directed to consider and decide the claim made in the legal notice dated 26.02.2024 (Annexure P-1) in accordance with law, by passing a speaking order within a period of 03 months from the date of receipt of certified copy of this order. In case, the petitioner is found entitled, his claim be released within a period of 04 weeks thereafter. In case, the respondents are of the opinion that the claim of the petitioner merit rejection, the same be adjudicated upon by passing a speaking order, after giving an opportunity of personal hearing to the petitioner, within the time as stipulated hereinabove.
10. The petition stands disposed of.

(NAMIT KUMAR)
JUDGE

21.03.2024
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No