

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

CWP-6535 of 2024 (O&M)

Date of decision: 18.03.2024

Bimal Kumar

.....Petitioner

Versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Paras Jain, Advocate, for the petitioner.
Mr. Rajesh Sehgal, Addl. A.G., Punjab.
Mr. Sanjeev Soni, Advocate, for respondent No.4.

NAMIT KUMAR, J. (ORAL)

1. Present petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of writ in the nature of *mandamus* directing the respondents to disburse sum of Rs.14,00,201/- along with interest at the rate of 18% per annum from 31.01.2023 towards the dues of gratuity and leave encashment to the petitioner. Further prayer has been made for directing the respondents to consider and decide representation dated 22.07.2023 (Annexure P-2) made by petitioner seeking dues of gratuity and leave encashment.

2. Learned counsel for the petitioner submits that petitioner has voluntarily retired from service w.e.f. 31.01.2023. However, his retiral dues, except a sum of Rs.10,50,000/-, details of which have been given in para 8 of the petition, have not been released. He submits that still more than Rs.14 lakhs have been withheld by the respondents. He submits that for claiming the said relief, petitioner has already submitted representation dated 22.07.2023 (Annexure P-2) and

appropriate directions may be issued to respondent No.4 to consider the claim raised in the said representation and release the necessary benefits to the petitioner.

3. Notice of motion.
4. Mr. Rajesh Sehgal, Addl. A.G., Punjab, who is present in Court accepts notice on behalf of the respondents No.1 to 3 and Mr. Sanjeev Soni, Advocate, who is on the panel of Local Government Department, Punjab, accepts notice on behalf of respondent No.4 and have no objection to the innocuous prayer made by learned counsel for the petitioner.
5. I have heard learned counsel for the parties and have gone through the record of the case.
6. Without expressing any opinion on the merits of the case or the claim being made by the petitioner in the present petition, respondent No.4-Competent Authority is directed to consider and decide the claim made by the petitioner in representation dated 22.07.2023 (Annexure P-2) in accordance with law, by passing a speaking order within a period of three months from the date of receipt of certified copy of this order. In case, the petitioner is found entitled, necessary benefits be released within a period of three weeks thereafter.
7. The petition stands disposed of.

18.03.2024
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No