

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-6881-2023 (O&M)
Date of decision: 15.01.2024

Navneet Parkash

....Petitioner

Versus

State of Punjab and Others

....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Nitesh Singla, Advocate
for the petitioner.

Mr. Arun Gupta, AAG, Punjab.

Ms. Ruchi Sekhri, Advocate
for respondents No.1, 3, 4 & 5.

NAMIT KUMAR J. (Oral)

The petitioner has approached this Court by way of filing the present writ petition under Articles 226/227 of the Constitution of India, for issuance of a writ in the nature of mandamus, directing the respondents/department to release the arrears of pensionary benefits i.e. gratuity, leave encashment, in view of the amendment dated 29.03.2018 (Annexure P-3) made by the Central Government in the Payment of Gratuity Act, 1972, vide which maximum amount of gratuity has been enhanced and further to release the revised pensionary benefits in view of the letter dated 29.10.2021, vide which the recommendations of the 6th Pay Commission, have been implemented.

Short reply by way of affidavit of Harjeet Singh, Executive Officer, Nagar Panchayat, Lohian Khas, District Jalandhar, has been filed on behalf of respondent No.5 wherein it has been stated as under:-

“1. That at the very outset it is humbly submitted

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here that the petitioner joined the regular service on 01.06.1979. The Petitioner was retired on 30.09.2018 from the office of Nagar Panchayat, Lohian Khas, District Jalandhar as Inspector.

2. That the petitioner had rendered his services to different local bodies at various times during his service. Therefore, the retirement dues of the petitioner have to be paid by the various local bodies as per his deployment period, however the same have to be disbursed by the answering respondent. It is pertinent to mention here that the answering respondent has disbursed the payment of Gratuity and Leave Encashment through Cheque No. 836139 dated 21.06.2023 amounting to Rs. 69,854/- and Cheque No.296531 dated 25.09.2023 amounting to Rs.7,81,253/- i.e. total payment of Rs. 8,51,107/- as claimed by the Petitioner in para no. 7 of the Parent Writ petition.

3. That it is further submitted here that the case of the petitioner for pension has also been got verified from Regional Deputy Director, Local Audit, Jalandhar and the same has been sent for approval to Additional Deputy Commissioner, Urban Development, Jalandhar vide letter no. 2352 dated 13.12.2018 Now, the Additional Deputy Commissioner, Urban Development, Jalandhar has approved 100% pension of the petitioner vide P.P.O. No. 6664.

4. That as per the official record, all the retiral benefits have been completely paid to the petitioner by the answering respondent. The deponent is filling this reply by way of affidavit while reserving the right to file detailed reply, if required at a later stage or as directed by this Hon'ble court.”

On the strength of averments made in the short reply,

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learned counsel for the respondents submits that the benefits as claimed in the present petitioner have already been released to the petitioner and therefore, the instant writ petition has been rendered infructuous.

However, learned counsel for the petitioner submits that the petitioner may be granted liberty for filing representation with the respondents, in case any amount is still due.

Keeping in view the above, the present petition is disposed of as having been rendered infructuous, however liberty is granted to the petitioner to make a representation, if any amount is still due from the respondents including the interest on the retiral dues.

If any such representation is filed by the petitioner within a period of 01 month from today, the same shall be considered and disposed of by respondent No.5 within a period of 03 months thereafter.

Disposed of in the aforesaid terms.

(NAMIT KUMAR)
JUDGE

15.01.2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No