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

CWP-10874-2024

Date of Decision: 10.05.2024

Raj Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

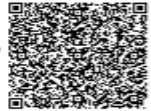
CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Shalender Mohan, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* for directing the respondents to release the retiral benefits/Gratuity of the petitioner along with interest from the date of his retirement which has been withheld without any reason which is not sustainable in the eyes of law and to issue direction to the respondents to decide legal notice dated 05.01.2024 (Annexure P-5)

2. Learned counsel for the petitioner submitted that the petitioner was appointed on *ad hoc* basis on the post of Peon in the Municipal Committee, Narwana in the Octroi Department on 09.04.1990 and thereafter his services were regularized on 24.12.1992 by the respondent-Committee. He further submitted that after availing the two years of extension of service,

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the petitioner had retired on 31.12.2021 but till date the Gratuity and retiral benefits have not been paid to him and there is no impediment for non-disbursement of the same. He submitted that the petitioner has issued a legal notice vide Annexure P-5 dated 05.01.2024, but neither any reply has been filed by the respondent-Department nor the same has been considered and decided by the concerned authority. He submitted that at this stage, the petitioner will be satisfied in case his legal notice dated 05.01.2024 (Annexure P-5) is directed to be decided by passing a speaking order in accordance with law in a time bound manner.

3. Notice of motion.

4. On the asking of the Court, Mr. Samarth Sagar, Additional Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondents and states that he has no objection, in case, a direction is issued to respondent No.2 for considering and deciding the legal notice issued by the petitioner vide Annexure P-5 dated 05.01.2024 in accordance with law and within a fixed time framework.

5. In view of the aforesaid position, without calling for the reply from the respondents and without observing anything on the merits of the case, the present petition is disposed of with a direction to respondent No.2 to consider and decide the legal notice issued by the petitioner vide Annexure P-5 dated 05.01.2024 strictly in accordance with law by passing a well-reasoned speaking order within a period of three months from today.

6. Needless to say that in case the petitioner is found to be entitled for any benefit as prayed by him, then the same shall be released to him

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along with interest @ 6% p.a. (simple) within a period of two months thereafter.

10.05.2024

(JASGURPREET SINGH PURI)
JUDGE

Bhumika

1. Whether speaking/reasoned:

Yes/No
2. Whether reportable:

Yes/No