

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

230

CWP-20344-2021

Decided on : January 24, 2024

JAI CHAND

..... Petitioner

Versus

PUNJAB EX SERVICEMAN CORPORATION AND ORS.

..... Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Lupil Gupta, Advocate
for the petitioner.

Mr. Gunider Singh Brar, Advocate
for the respondents no.1 & 2.

Mr. T.P.S. Walia, AAG, Punjab
for respondent nos.3 & 4.

Mr. Devansh Gupta, Advocate for
Mr. Rahul Arora, Advocate for respondent nos.5 & 6.

NAMIT KUMAR, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of writ in the nature of *mandamus* in the form of direction to the respondent-authorities to pay a sum of Rs.92,807.41/- paise alongwith interest @ 18 % per annum on the delayed payment on account of Deducted Fund and difference of pay of the petitioner with further prayer to direct the respondents to consider and take a final decision on the Legal Notice dated 17.01.2021 (Annexure P-10) by passing a speaking order.

Reply has been filed on behalf of respondents no.3 and 4 in the Court today and the same is taken on record and copy thereof has been supplied to learned counsel for the petitioner.

At the outset, learned counsel for the petitioner confines his prayer for deciding Legal Notice dated 17.01.2021 (Annexure P-10). He submits that at this stage, petitioner would be satisfied, if the said legal notice is decided by passing a speaking order within a time bound frame.

Learned counsel appearing for respondent no.1 and 2 submits that respondent No.2/competent authority will look into the matter and will take a decision on the claim raised by the petitioner in the Legal Notice, in accordance with law.

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

Without expressing any opinion on the merits of the case or the claim being made by the petitioner in the present petition, respondent No. 2 is directed to consider and decide the claim made in the Legal Notice dated 17.01.2021 (Annexure P-10) 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, his claim be released within a period of six weeks thereafter. In case, the respondents are of the opinion that the claim of the petitioner merits 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.

The petition stands disposed of in the above terms.

January 24, 2024
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(NAMIT KUMAR)
JUDGE

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