



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

217

CWP-29605-2017 (O&M)
Date of decision : 22.05.2024

Mandeep Kaur and others

....Petitioners

V/S

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Ishant Arora, Advocate for the petitioners.

Mr. Teevar Sharma, AAG, Punjab.

Mr. Vipul Jindal, Advocate for respondent No.4.

NAMIT KUMAR, J. (ORAL)

1. The petitioners have filed the instant writ petition under Articles 226/227 of the Constitution of India seeking a writ of certiorari for quashing the impugned order dated 17.11.2017 (Annexure P-3), whereby the department has passed order admitting the claim of the petitioners of pending pensionary benefits but have computed the same wrongly and not considered the claim of interest in the legal notice dated 15.03.2017 (Annexure P-2) and further sought a writ of mandamus directing the respondents to release the pending pensionary benefits of the petitioners along with interest @ 9% per annum on the delayed payments of pensionary benefits.

2. Short affidavit on behalf of respondent No.4 has been filed in the Court which is taken on record. In the said affidavit, it has been stated as under :-

“2. That the petitioners were initially paid



gratuity under the provisions of the Gratuity Act, 1972 as per earlier notification. It is pertinent to mention that the other pensionary benefits admissible to the petitioner have already been released. Now the Department of Local Government, Punjab, Chandigarh has issued letter dated 07.03.2023 with regard to the payment of gratuity to the employees of Urban Local Bodies retired on or before 05.01.2022 are entitled for gratuity as per the proviso of the service rules applicable to concerned Urban Local Bodies. The copy of letter dated 07.03.2023 is annexed herewith as Annexure A-1.

3. Therefore, the petitioners are now entitled for the gratuity computed as per the proviso of the relevant Punjab Civil Service Rules.

4. That the Municipal Council, Sangrur is facing financial crisis and the payment of balance gratuity amount after recalculation as per the service rules will be paid in due course of time within 6 months.”

3. In view of the stand taken by respondent No.4, the instant petition is disposed of with a direction to release the necessary benefits within a period of 06 months from today.

22.05.2024

kothiyal

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No