

2024:PHHC:101059



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP No.18837 of 2024 (O&M)
Date of decision: 07.08.2024

Balvir Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

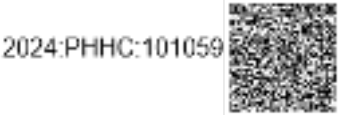
CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Devansh Gupta, Advocate
for Mr. Rahul Arora, Advocate for the petitioner.

Mr. Rajesh Sehgal, Addl. A.G., Punjab
for respondents No.1 to 5.

NAMIT KUMAR J. (Oral)

1. Prayer in this writ petition filed by the petitioner under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing the respondents to release full and final retiral benefits such as Gratuity, Leave Encashment along with due salary etc. as raised in legal notice dated 27.04.2024 (Annexure P-3) as payable to the petitioner on retirement from the services of respondents on 31.12.2019 along with interest.
2. Learned counsel for the petitioner submits that the petitioner retired from service on attaining the age of superannuation on 31.12.2019, however, his retiral dues have not been released till date despite making various representations and legal notice dated 27.04.2024 (Annexure P-3), to which a reply has been given by respondent by stating as under:-



“3. That in reply to para No.3 of the legal notice, it is submitted that the retiral services benefits of you addressee is due against the department, but the Audit Inspector has not completed the audit of the Society and till the audit of the Society has not completed the amount of the retiral services benefits cannot be calculated.”

3. Learned counsel for the petitioner while referring to letter (Annexure P-2) submits that the audit has already been completed and still the retiral dues have not been released to the petitioner.
4. Notice of motion.
5. Mr. Rajesh Sehgal, Addl. A.G., Punjab, accepts notice on behalf of respondents No.1 to 5 and has no objection to the innocuous prayer made by learned counsel for the petitioner.
6. I have heard learned counsel for the parties and have gone through the record of the case.
7. Keeping in view the relief claimed in the present petition, no written statement is required to be filed on behalf of the respondents. Accordingly, the present petition is disposed of with a direction to respondent No.6 to consider and decide the claim of the petitioner for release of retiral dues within a period of 03 months from the date of receipt of certified copy of this order.

(NAMIT KUMAR)
JUDGE

07.08.2024
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No