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

CWP-23215-2024

Date of Decision: 13.09.2024

Randhir Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

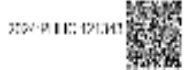
CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ajay Pal Singh, 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 pensionary benefits including payment of gratuity and commutation of pension to the petitioner as he is entitled for the same.

2. Learned counsel for the petitioner submitted that the petitioner was an employee of the respondent-Nigam and while serving as JE in the Nigam, he was falsely implicated in a case by the complainant and an FIR was also registered against him. Thereafter, the petitioner was reinstated with immediate effect without causing any prejudice to the department/judicial proceedings. The grievance of the petitioner is that now he has been acquitted by the learned trial Court in the aforesaid FIR but his pensionary benefits including payment of gratuity and commutation of pension etc. has not yet been released to him. He submitted that the



petitioner has issued a legal notice vide Annexure P-7 dated 05.03.2024, but neither any reply has been filed by the respondent-Nigam 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 05.03.2024 (Annexure P-7) 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, Ms. Rajni Gupta, Additional Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondents and states that she has no objection, in case, a direction is issued to the respondent-Nigam for considering and deciding the legal notice issued by the petitioner vide Annexure P-7 dated 05.03.2024 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-7 dated 05.03.2024 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 along with interest @ 6% p.a. (simple) within a period of two months thereafter.

13.09.2024

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |