

2024.PHHC.111199



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

123

CWP No.21170 of 2024 (O&M)
Date of decision: 29.08.2024

Mangha Ram
.....Petitioner

Versus

State of Punjab and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. B.S. Mittal, Advocate
for the petitioner.

Mr. Surya Kumar, AAG, Punjab.

NAMIT KUMAR J. (Oral)

1. Prayer in this writ petition filed by the petitioner under Article 226 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing the respondents to release the arrears of Leave Encashment and arrears of Gratuity and Provident Fund, etc. and further grant interest @ 12% per annum on the delayed payment of retiral benefits.
2. Learned counsel for the petitioner submits that in pursuance to the orders passed by this Court dated 10.08.2023 passed in CWP No.17417 of 2023, titled as “Mangha Ram vs State of Punjab and others”, the speaking order dated 20.10.2023 (Annexure P-3) has been passed whereby the Gratuity and Leave Encashment have been released to the petitioner however, the same have been released without the component of interest and without considering the revised pay scales,

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for which the petitioner has already submitted a representation dated 01.01.2024 (Anexure P-4), which is still pending consideration with respondent No.3 and the petitioner would be satisfied in case time bound directions are issued to respondent No.3 to consider the said claim raised in the representation dated 01.01.2024 (Annexure P-4).

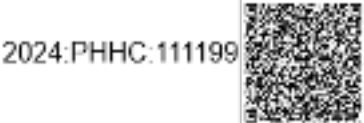
3. Learned counsel for the petitioner submits that since the retiral benefits of the petitioner have been withheld without any justifiable reasons, therefore, he is entitled for interest on the delayed payment of retiral benefits in view of the law laid down in *A.S. Randhawa Vs. State of Punjab and others : 1997(3) S.C.T. 468* and *J.S. Cheema Vs. State of Haryana : 2014(13) RCR (Civil) 355*.

4. Notice of motion.

5. Mr. Surya Kumar, AAG, Punjab, accepts notice on behalf of respondents No.1 and 2. On the asking of the Court Mr. Shobhit Phutela, Advocate, has accepted notice on behalf of respondent No.3 and have 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. Without going into the merits of the case at this stage, the present petition is disposed of with a direction to respondent No.3 to decide representation dated 01.01.2024 (Annexure P-4), submitted by the petitioner expeditiously, by passing a speaking order, preferably within a period of 03 months from the date of receipt of certified copy



of this order. Necessary benefits, if any, found due to the petitioner shall be released expeditiously preferably within a period of 04 weeks thereafter.

(NAMIT KUMAR)
JUDGE

29.08.2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No