

CWP-21600 of 2024

2024:PHHC:113467



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-21600 of 2024

Date of decision: 02.09.2024

Pawan Kumar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Harbans Lal, Advocate,
for the petitioner.

Mr. Rajesh Sehgal, Addl. A.G., Punjab.

NAMIT KUMAR, J. (ORAL)

1. Present petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of writ in the nature of *mandamus* directing the respondents to make payment of retirement benefits of gratuity of Rs.3,67,191/- and leave encashment of Rs.2,22,540/- totalling Rs.5,89,731/- on retirement of the petitioner on 31.03.2022 and also grant interest on delayed payment of all benefits of the petitioner, including gratuity, leave encashment @ 12% from the date of accrual of the same till actual date of payment as per law laid down by Full Bench of this Court in *A.S. Randhawa v. State of Punjab, 1998(1) SCT 343*.

2. Learned counsel for the petitioner submits that the petitioner retired from service on attaining the age of superannuation on 31.03.2022. However, no retiral dues have been released to the petitioner despite making various representations followed by legal

CWP-21600 of 2024

2024:PHHC:113467



notice dated 05.07.2024 (Annexure P-10). He submits that at this stage, petitioner would be satisfied, if the said legal notice is considered and decided by passing a speaking order in a time-bound frame.

3. Notice of motion.

4. Mr. Rajesh Sehgal, Addl. A.G., Punjab, accepts notice on behalf of respondents No.1 to 4-State and has no objection to the innocuous prayer made by learned counsel for the petitioner.

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

6. Without expressing any opinion on the merits of the case or the claim being made by the petitioner in the present petition, respondent No.3 is directed to consider and decide the claim made by the petitioner in legal notice dated 05.07.2024 (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, necessary benefits be released within a period of one month thereafter.

7. The petition stands disposed of.

02.09.2024
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No