



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

128

CWP No.24273 of 2024 (O&M)
Date of decision: 23.09.2024

Atma Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Priyanshu Kamra, Advocate for the petitioner.

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 directing the respondents to release all the remaining retiral benefits i.e. revised Leave Encashment, Gratuity, etc. to the petitioner, along with interest @ 18% per annum on delayed payment.

2. Learned counsel for the petitioner submits that the petitioner retired as Junior Assistant, on attaining the age of superannuation on 30.06.2020, from Municipal Council, Mansa, however, he has only been paid the gratuity amount of Rs.10,00,000/- and balance of revised gratuity amount of Rs.3,09,770/- is still due. Similarly, he has been paid leave encashment of Rs.6,15,340/-, however, the remaining amount of revised leave encashment of Rs.72,620/- is also due. He further submits that even the said payments have been released without any interest and despite submitting representations dated 05.08.2024 (Annexures P-1 and P-2), the said benefits have not been released to the petitioner. He further submits that the petitioner

2024:PHHC:125291



would be satisfied in case time bound directions are issued to respondent No.3 to consider and decide the said representations dated 05.08.2024 (Annexures P-1 and P-2), by passing a speaking order.

3. Notice of motion.
4. Mr. Surya Kumar, AAG, Punjab, accepts notice on behalf of respondents No.1 and 2. On the asking of the Court Mr. Vipul Jindal, Advocate, who is on the panel of Department of Local Government, Punjab, has accepted notice on behalf of respondent No.3 and have 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 going into the merits of the case at this stage, the present petition is disposed of with a direction to respondent No.3 to consider and decide the representations dated 05.08.2024 (Annexures P-1 and P-2), 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

23.09.2024

yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No