

CWP-24737 of 2024

2024:PHHC:127104



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

CWP-24737 of 2024

Date of decision: 25.09.2024

Varinder Singh and others

.....Petitioners

Versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. P.K. Goklaney, Advocate,
for the petitioners.

Mr. Teevar Sharma, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

1. Present petition has been filed under Articles 226/227 of the Constitution of India praying for quashing the action of the respondents in not releasing the revised rate of death-cum-retirement gratuity to the petitioners in terms of Clause 6 of the Finance Department Circular dated 29.10.2021 (Annexure P-2), whereby the maximum limit of DCRG has been enhanced from Rs.10 lakh to Rs.20 lakh w.e.f. 01.01.2016.

2. Learned counsel for the petitioners submits that the petitioners retired from service from the Municipal Council, Nawanshahr after 01.01.2016 and they are entitled for grant of revised gratuity in terms of notification dated 29.10.2021 (Annexure P-2). He

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further relies upon the order passed by this Court in CWP No.28139 of 2022 – Dharam Singh and others v. State of Punjab and others dated 29.08.2024 (Annexure P-7). He submits that the petitioners have served legal notice dated 05.08.2024 (Annexure P-6) upon the respondents, however, neither the said benefit has been released to the petitioners nor the legal notice has been replied. He submits that at this stage, petitioners 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. Teevar Sharma, AAG, Punjab, accepts notice on behalf of respondents No.1 to 3 and on the asking of the Court, Mr. Shobit Phutela, Advocate, who is on the panel of Local Government, Punjab, accepts notice on behalf of respondent No.4 and have no objection to the innocuous prayer made by learned counsel for the petitioners.

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 petitioners in the present petition, respondent No.2 is directed to consider and decide the claim made by the petitioners in legal notice dated 05.08.2024 (Annexure P-6) 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

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case, the petitioners are found entitled, necessary benefits be released within a period of three weeks thereafter.

7. The petition stands disposed of.

25.09.2024
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No