

CWP-24640 of 2024

2024-THHC:127032



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-24640 of 2024

Date of decision: 25.09.2024

Gurdeep Singh

.....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. Teevar Sharma, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

1. Present petition has been filed under Article 226 of the Constitution of India praying for issuance of writ in the nature of *mandamus* directing the respondents to release the retiral benefits like provident fund, leave encashment, gratuity, dearness allowance etc. with interest @ 12% per annum.

2. Learned counsel for the petitioner submits that the petitioner retired as Pump Operator on 30.09.2023 on attaining the age of superannuation and despite submitting various representations dated 28.03.2024, 22.04.2024 and 28.05.2024 (Annexure P-1 to P-3), pensionary benefits of the petitioner have not been released. He further submits that in view of the law laid down by Full Bench in ***A.S. Randhawa v. State of Punjab and others, 1997(3) S.C.T. 468*** and Co-ordinate Bench judgment in ***J.S. Cheema v. State of Haryana, 2014(13) RCR (Civil) 355*** petitioner is also entitled for grant of

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interest. He submits that at this stage, petitioner would be satisfied, if the representation dated 28.05.2024 (Annexure P-3) is considered and decided by passing a speaking order in a time-bound frame.

3. Notice of motion.
4. On the asking of the Court, Mr. Teevar Sharma, AAG, Punjab, accepts notice on behalf of the respondents No.1 and 2 and Mr. Shobhit Phutela, Advocate, who is on the panel of the Local Government, Punjab, accepts 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 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 representation dated 28.05.2024 (Annexure P-3) 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.

25.09.2024
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No