

CWP-25678 of 2024

2024:PHHC:132130



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

CWP-25678 of 2024

Date of decision: 04.10.2024

Balwinder Kumar Garg

.....Petitioner

Versus

Punjab State Water Resources Management and Development
Corporation Limited

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. A.S. Walia, Advocate,
for the petitioner.

NAMIT KUMAR, J. (ORAL)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of writ in the nature of *certiorari* quashing speaking order No.25604/PWRMDC dated 21.10.2020 (Annexure P-5) to the extent of rejecting gratuity on the raising of maximum limit of payable gratuity of Rs.20,00,000/- in the Payment of Gratuity Act, 1972. Further prayer has been made for issuance of writ of *mandamus* directing the respondents to make payment of balance amount of gratuity payable above Rs.10,00,000/- with interest @ 9% per annum.

2. Learned counsel for the petitioner submits that the petitioner retired from the service of the respondent-Corporation as Divisional Engineer on attaining the age of superannuation on 31.03.2019. He submits that petitioner was sanctioned gratuity amount of Rs.10 lakh. He contends that maximum limit of gratuity under the

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Gratuity Act has been enhanced to Rs.20 lakh w.e.f. 29.03.2018, however, claim of the petitioner was deferred by the respondent vide order dated 21.10.2020 by stating that the Punjab Government has not granted approval as yet. Learned counsel further submits that petitioner again submitted representation dated 19.07.2024 (Annexure P-8) claiming enhanced amount of gratuity and interest on delayed payment, however, no action has been taken thereon till date. He submits that at this stage, petitioner would be satisfied, if the said representation is considered and decided by passing a speaking order in a time-bound frame.

3. I have heard learned counsel for the petitioner and have gone through the record of the case.

4. Without expressing any opinion on the merits of the case or the claim being made by the petitioner in the present petition, respondent is directed to consider and decide the claim made by the petitioner in representation dated 19.07.2024 (Annexure P-8) 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

5. The petition stands disposed of.

(NAMIT KUMAR)
JUDGE

04.10.2024
R.S.

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No