

CWP-28463 of 2024

2024:PHHC:138316



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

CWP-28463 of 2024

Date of decision: 22.10.2024

Mohammad Nisar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Priyanshu Kamra, 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 release all the remaining retiral benefits i.e. revised leave encashment, gratuity etc. to the petitioner along with interest @ 18% for the delay in the payment of the same.

2. Learned counsel for the petitioner submits that the petitioner retired from service on attaining the age of superannuation on 31.10.2018 from the Municipal Council, Malerkotla, District Malerkotla. However, he has been paid the revised gratuity of Rs.8,97,875/- whereas the approximate amount of revised gratuity is Rs.9,92,067/-. Similarly, petitioner has been paid the revised leave encashment of Rs.4,57,740/- instead of Rs.5,05,760/-. Learned counsel submits that petitioner has submitted representations dated 18.07.2024

(Annexures P-1 and P-2), however, neither the same have been replied

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nor the dues have been released to the petitioner. He submits that at this stage, petitioner would be satisfied, if the said representations are 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 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 representations dated 18.07.2024 (Annexures P-1 and P-2) 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 three weeks thereafter.

7. The petition stands disposed of.

(NAMIT KUMAR)
JUDGE

22.10.2024
R.S.

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No