

CWP-28715 of 2024

2024:PHHC:138874



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

CWP-28715 of 2024

Date of decision: 23.10.2024

Tarlochan Singh

.....Petitioner

Versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Vishal Sharma, Advocate,
for the petitioner.

Mr. Surya Kumar, AAG, 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 grant all retiral benefits including gratuity of Rs.8,93,904/- and leave encashment of Rs.5,41,760/- totalling Rs.14,35,664/- for the service rendered in respondent No.5-Society from 01.10.1984 to 28.02.2019 out of which only amount of Rs.15,673/- has been paid and Rs.14,19,991/- is still payable and outstanding salary of the petitioner is Rs.13,42,090/- out of which Rs.2.13 lac has been paid and Rs.11,51,186.90 is still payable as shown in balance sheet dated 31.03.2022 (Annexure P-7).

2. Learned counsel for the petitioner submits that for the aforesaid benefits, petitioner has served legal notice dated 13.09.2024 (Annexure P-9) upon the respondents, however, neither the dues have been released to the petitioner nor legal notice has been replied to by



the respondents. He submits that at this stage, petitioner 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. Surya Kumar, AAG, Punjab, accepts notice on behalf of respondents No.1 to 4 – State 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.5 is directed to consider and decide the claim made by the petitioner in legal notice dated 13.09.2024 (Annexure P-9) 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.

23.10.2024
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No