

CWP-30273 of 2024

2024.PHHC:145612



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

CWP-30273 of 2024

Date of decision: 08.11.2024

Rajveer

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Kuljit Singh, Advocate, for the petitioner.

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 issuance of writ in the nature of *mandamus* directing the respondents to release the remaining amount of service-cum-death dues of the petitioner, such as provident fund, gratuity, leave encashment, medical allowance, revised pay scale, arrears of revised pay scale benefits of 01.01.2016 and other benefits along with interest for delayed period.

2. Learned counsel for the petitioner submits that the petitioner retired as Safai Sewak on attaining the age of superannuation on 31.05.2024 from Municipal Council, Rampura Phul. However, retiral dues of the petitioner have not been released except a sum of Rs.2,65,000/-. He submitted representations dated 13.06.2024 (Annexure P-3), 05.08.2024 (Annexure P-4) followed by legal notice dated 30.09.2024 (Annexure P-5) however, neither the same have been replied nor necessary benefits have been released to the petitioner.

CWP-30273 of 2024

2024.PHHC.145612



Learned counsel for the petitioner submits that at this stage, petitioner would be satisfied, if legal notice dated 30.09.2024 (Annexure P-5) 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-State and Mr. Shobit Phutela, Advocate, accepts notice on behalf of respondent No.4 and they 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.4 is directed to consider and decide the claim made by the petitioner in legal notice dated 30.09.2024 (Annexure P-5) 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

08.11.2024
R.S.

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No