

CWP-30533 of 2024

2024:PHHC:140186



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

CWP-30533 of 2024

Date of decision: 13.11.2024

Ramesh Kumar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Supreet Singh, Advocate,
for Mr. P.S. Dhaliwal, 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 the pension, GPF, gratuity, leave encashment and other benefits and for issuance of writ of *certiorari*, quashing the undertaking dated 22.11.1994 allegedly signed by the petitioner to not to opt for the Punjab Municipal Corporation Employees Pension and General Provident Fund Rules, 1994.

2. Learned counsel for the petitioner submits that the petitioner retired from service on attaining the age of superannuation on 31.08.2024, however, his GPF, gratuity and leave encashment have not been released till date. He further submits that petitioner has moved a representation dated 20.09.2024 (Annexure P-1) for the said purpose,



however, no action has been taken on the same as yet. 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. Notice of motion.

4. Mr. Rajesh Sehgal, Addl. A.G., Punjab, accepts notice on behalf of respondents No.1 and 2 and Mr. Vipul Jindal, Advocate, accepts notice on behalf of respondent No.3 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.3 is directed to consider and decide the claim made by the petitioner in representation dated 20.09.2024 (Annexure P-1) 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

13.11.2024
R.S.

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No