

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 6297 of 2007

Date of Decision: 30.04.2007

Pritam Singh

...Petitioner

Versus

The Punjab State Cooperative Supply and Marketing Federation
Limited and another

...Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Amar Singh, Advocate,
for the petitioner.

JUDGMENT

M.M. KUMAR, J. (Oral)

The petitioner who was serving with the respondents and retired as Field Officer has approached this Court by filing instant petition under Article 226 of the Constitution seeking a direction that respondents be directed to pay him all the retiral benefits/dues along with interest @ 20% from the due date till payment. It has been asserted that though retirement dues were sanctioned by respondent No. 1 vide order dated 26.4.2006 (P-3) but the same have not been paid to the petitioner by respondent No. 2 without any reasons. In this regard, the petitioner has also made a detailed representation dated 8.3.2007 (P-7), which is stated to be pending consideration of the respondents.

We have heard the learned counsel for the petitioner at some length and perused the paper book.

Before disposing of this writ petition we would refer to the views of Hon'ble the Supreme Court in the case of **Salem Advocate Bar Association v. Union of India, (2005) 6 SCC 344**. In paras 38 and 39 of the judgment it has been required that whenever notice under Section 80 C.P.C. or under any similar provision are sent then it is mandatory on the part of State or Central Government or other authorities to send reply to such notice. It is well settled that before seeking a direction or a writ of mandamus, a demand justice notice is required to be served on the respondents. In the present case the petitioner has sent a representation dated 8.3.2007 (P-7), to which no reply is stated to have been received. It has also been observed by Hon'ble the Supreme Court that in cases where such like notice has not been replied then cost is required to be imposed. Therefore, without going into the merits of the case, we dispose of the writ petition at this stage with a direction to the respondents to take a decision on the representation dated 8.3.2007 (P-7) by passing a speaking order within a period of two months from the date of receipt of a certified copy of this order. If the sanction has already been given then the needful shall be done at the earliest.

Petition stands disposed of in the above terms.

(M.M. KUMAR)
JUDGE

April 30, 2007
P Kapoor

(RAJESH BINDAL)
JUDGE