

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

CWP No.24459 of 2015
Date of decision:20.11.2015

Dayal Singh

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr.P.S.Miglani, Advocate, for the petitioner.

G.S. Sandhawalia , J. (Oral)

The petitioner seek the direction for release of arrears of pay, leave encashment, revised pension and other retiral benefits.

The pleaded case of the petitioner is that being physically challenged, he was entitled for the benefits of 2 years extension in service as Senior Medical Officer, in view of the judgment of this Court in CWP No.7233 of 2010 titled *Bhupinder Singh Vs. State of Punjab & others*, decided on 25.05.2011, which was further upheld by the Apex Court. On 22.04.2015 (Annexure P4), the petitioner was given the benefit of service till 31.01.2014 by respondent No.1. It is the grouse of the petitioner that the financial benefits which are due have not been paid in full. The details of the payments not made have been mentioned in the representation dated 12.10.2015 (Annexure P6). The said representation has been moved after the dismissal of COCP

No.114 of 2015, on 08.10.2015 (Annexure P5), whereby the petitioner was given the liberty to avail his remedies in law, in the event of any shortfalls in the payments. The said amount has, thus, been quantified in his representation.

It is apparent that the respondents have to take a decision on the said payments. Accordingly, this Court is of the view that reply from the respondents, at this stage, is not required since the representation is still pending.

Without commenting upon the merits of the case, the present writ petition is disposed of with a direction to respondent No.2 to decide the representation dated 12.10.2015 (Annexure P6) and pass a speaking order on the same. In case any amounts are found still payable, the same will be paid to the petitioner, along with interest, on account of the delay in payment, within a period of 2 months from today. In case the payments are not to be made, then a speaking order will be passed.

NOVEMBER 20, 2015
sailsh

(G.S. SANDHAWALIA)
JUDGE