

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

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**CWP No.6333 of 2015 (O&M)
Date of decision: 06.05.2016**

Darshan Ram

....Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

1. Whether Reporters of local papers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. K.S.Saini, Advocate for the petitioner.

Mr. Ranbir Singh Pathania, DAG, Punjab.

Mr. Pranav Chadha, Advocate for respondent No.4.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioner has sought for direction to the respondents for release of retiral benefits like gratuity, pension, leave encashment, commutation of pension along with 12% interest from the date he attained age of superannuation and retired from service namely i.e. 31.3.2014.

Petitioner is stated to have appointed in the State of Punjab and he was on deputation of BBMB from 24.9.2009 till date of his retirement.

The respondents did not settle retiral benefits of the petitioner. On 9.3.2015,

legal notice was served for which BBMB has replied to the same. However, State has not replied.

Learned counsel for the respondent submitted that identical matters were pending consideration before the Hon'ble Supreme Court. Therefore, there is a delay in settling the retiral benefits of the petitioner. On 4.11.2015, the Supreme Court dismissed the review petition No. 2038 of 2013 in special leave petition No. 23578 of 2012 in the case of ***State of Punjab and others versus Harbans Lal***. Thus, the State has suffered an order upto Supreme Court. Therefore, the petitioner's grievance be considered for settling his retiral benefits within a period of two months along with interest @ 9% per annum.

Learned counsel for BBMB raised an objection regarding entitlement of leave encashment. In other words, he is disputing that the petitioner is entitled to only 132 days leave encashment. It is learnt that no decision has been taken by BBMB and not communicated to the petitioner.

In this regard, BBMB is directed to take a decision within a period of one month from today and communicate the same to the petitioner. In this regard, petitioner is at liberty to approach this Court if any adverse order is passed.

In terms of the above directions, petition is disposed of.

06.05.2016

pooja saini

**(P.B. BAJANTHRI)
JUDGE**