

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.9019 of 2016
Decided on : 17.05.2016

Swaran Singh

... Petitioner

Versus

State of Punjab & others

... Respondents

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

Present : Mr.V.K.Kaushal, Advocate, for the petitioner.

G.S. Sandhawalia , J. (Oral)

Petitioner seeks release of his retiral dues along with interest.

It is the case of the petitioner that he joined service as Clerk in the Department of Octroi on 21.10.1982 and retired on 28.02.2015, after completing the 2 years extension period. However, his retiral benefits have been withheld on account of the fact that there was one vigilance enquiry No.6 of the year 2003 against him. It is the case of the petitioner that as per communication dated 27.05.2004 (Annexure P7) the enquiry was dropped by the Vigilance Department. But in spite of that, the retiral dues have not been paid. Reference is also made to subsequent letter dated 05.05.2015 (Annexure P2) to the same effect.

Counsel submits that legal notice dated 08.10.2015 (Annexure P4) has also been served upon respondents No.3 to 5 but no action has been taken. Petitioner had also represented to respondent No.2-Director, Local Bodies on 02.01.2016 (Annexure P5), which has been forwarded to respondent No.4 that on account of the NOC having been issued, requisite action be taken as per

rules and instructions and if any litigation takes place, then the sole responsibility will be of the Municipal Corporation.

Notice of motion.

Mr.Avinit Avasthi, AAG, Punjab accepts notice on behalf of the respondents No.1, 2 & 6. Copy of the paperbook has been supplied to him.

Keeping in view the limited relief sought, this Court does not feel it necessary to ask the respondents to file reply.

Accordingly, without commenting upon the merits of the case, the present writ petition is disposed of, with a direction to respondent No.2, to ensure that respondent No.4 takes action upon the legal notice dated 08.10.2015 (Annexure P4) and communication dated 02.01.2016 (Annexure P5) and ensures that the payment of the retiral dues are made within a period of 2 months from today. The said respondent shall also take into consideration the entitlement of the petitioner for payment of interest on the ground of delay beyond a period of 2 months, as per the judgment of the Full Bench in the case of **A.S.Randhawa Vs. State of Punjab & others 1997 (3) SCT 468**. In case there is no legal impediment, the monetary dues along with interest be disbursed to him, thereafter. In case the amount is to be denied, a speaking order be passed and the same be conveyed to the petitioner.

MAY 17, 2016

sailesh

**(G.S. SANDHAWALIA)
JUDGE**