

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.15312 of 2017
DECIDED ON: July 17, 2017

JASWANT SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Gopal Krishan Saini, Advocate,
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ particularly in the nature of mandamus, directing the respondents to release the calculated benefits to the petitioner as accrued under Annexure P-2 and further directing the respondents to reconstruct the service book of the petitioner at their own (as it appears to be misplaced by them).

2. Notice of motion.

3. Ms. Sudeepti Sharma, Additional Advocate General, Punjab has accepted notice on behalf of the respondents-State. Copy of the paper book be supplied to learned State counsel during the course of the day.

4. Undisputably, the petitioner retired from Government Service on

31.10.2009, on attaining the age of superannuation but till date his pensionary benefits have not been released/disbursed to him for one reason or another. The petitioner is knocking the doors of the concerned authorities time and again and ultimately, he was constrained to prefer a Civil Writ Petition No.6611 of 2011, which was allowed by this Court vide order dated 31.08.2009. Thereafter, the petitioner also served a legal notice dated 06.02.2017 (Annexure P-4), in response to which, it has been intimated that issue involved in this case is of maintaining service book, which is, to be maintained by District Education Officer (Elementary Education) Roop Nagar and accordingly, legal notice was sent to the aforesaid office but till date no action has been taken. It is the responsibility of the appointing and assessing authority to maintain the service book of an employee and to incorporate entries therein for maintaining them up to date record of the service of an employee.

5. In the case in hand, the petitioner appears to have been facing the pains and strains of apathy of the department as he is being ignored the pensionary benefits for the last more than 8 years.

6. Instant petition is disposed of with a direction to respondent No.5- District Education Officer (Elementary Education) Roop Nagar, Punjab to locate the service book of the petitioner and reconstruct the same within a period of one month from the date of receipt of certified copy of this order and send the same to respondent No.2-Director Public Instructions (Elementary Punjab School Education Board Campus, Phase 8, SAS Nagar Mohali with complete entries with regard to the service of the petitioner. Respondent No.2 is further directed to consider and release the retiral benefits within a period of

3 months positively and, in case, the necessary benefits are not released to the petitioner in the prescribed period, respondent No.2 as well as respondent No.5 will have to face the consequences.

July 17, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes*

Whether reportable *Yes/No*