

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.19533 of 2017
DECIDED ON: SEPTEMBER 25, 2017

JASWANT RAI

.....PETITIONER..

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sandeep Arora, Advocate,
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought issuance of a writ especially in the nature of mandamus directing the respondents to grant the retiral benefits while relatable to the post of Lecturer along with interest.

2. Notice of motion.

3. At the asking of the Court, Ms. Akanksha, Assistant Advocate General, Punjab has accepted notice on behalf of the respondent-State. Copy of the paper book be supplied to learned counsel for the State, during the course of the day.

4. The contention of learned counsel for the petitioner is that though the name of petitioner was duly cleared by the Departmental Promotional

Committee, to the post of Lecturers in December 2011 but Department released the promotional list after 4 months and during that time the petitioner appeared to have been retired when the petitioner's order for promotional post had been issued, therefore, the petitioner is duly entitled to the benefits of promotional post on his retirement.

5. He further submits that though representations dated 12.06.2012 and 28.06.2012 were moved to the respondents but till date no conscious decision has been taken. He submits that petitioner feels satisfied in case direction is issued to respondent(s) to decide aforesaid representation(s), within a stipulated period.

6. Keeping in view the aforesaid aspects but without expressing any opinion on merits, instant petition is disposed of with a direction to respondent(s) to look into the grievances unfolded by the petitioner in this petition as well as in representations dated 12.06.2012 and 28.06.2012 (Annexures P-2 and P-3) and to decide the same as per Rules and Regulations as well as in view of various office orders passed by the Department from time to time, within a period of three months from the date of receipt of certified copy of this order. However, relief shall stand restricted to 38 months in view of Full Bench judgment of this Court in ***“Saroj Kumari v. State of Punjab and others”, 1998(3) SCT 664.***

7. As far as grant of interest on delayed payment is concerned that shall also be considered in view of the observations made by Full Bench of this Court in case captioned as ***“R.S. Randhawa vs. State of Punjab, 1997 (3) RSJ 318.***

8. However, if the petitioner still feels aggrieved of the order passed by the concerned authority, he shall be at liberty to approach this Court.

SEPTEMBER 25, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes*

Whether reportable *Yes/No*