

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

Sr. No.118

Civil Writ Petition No.20892 of 2017
DECIDED ON: September 14, 2017

RAJINDER SACHDEVA

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Surinder Garg, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

Through the instant civil writ petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ particularly in the nature of mandamus directing the respondents to release the retiral benefits i.e. gratuity, leave encashment etc. along with interest @ 18% per annum.

2. Learned counsel for the petitioner contends that though petitioner stood retired on March 31, 2017 on attaining the age of superannuation. But till date, payment of retiral benefits i.e. grauity, leave encashment etc. has not been made. Even a legal notice was issued to the respondents on July 19, 2017 (Annexure P-2) but till date neither any reply to the said legal notice has been received nor any final order has been passed by the respondents.

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3. Learned counsel for the petitioner further submits that he feels satisfied in case a direction is issued to respondent No.3 to decide legal notice dated July 19, 2017 (Annexure P-2) in a time bound manner.

4. Instant petition is disposed of with a direction to respondent No.3-Executive Officer, Municipal Council, Faridkot to consider the case of the petitioner within a period of two months from the date of receipt of a certified copy of this order. In case, respondent No.3 comes to the conclusion that petitioner is entitled to the benefits claimed in his legal notice, to calculate the same and made the payment to him within a period of next one month. While calculating the aforesaid benefits or arrears etc., respondent No.3 shall also consider the grant of interest on delayed payments in view of judgment passed by Full Bench of this Court in case ***A.S. Randhawa vs. State of Punjab & Ors., 1997 (3) SCT 468*** as well as judgment passed by this Court in CWP No.8772 of 2015 captioned as ***Charan Dass vs. State of Punjab & Ors.*** decided on July 11, 2017.

5. However, if petitioner still feels aggrieved by any order of the afore-said authority, he shall be at liberty to approach this Court.

September 14, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes/No
Yes/No**