

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

Sr. No.134

Civil Writ Petition No.21243 of 2017
DECIDED ON: September 18, 2017

AMRIK SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Gurinder Pal Singh, 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. full amount of gratuity and leave encashment which have become due since April 30, 2014 along with interest.

2. The contention of learned counsel for the petitioner is that despite the fact petitioner stood retired on attaining the age of superannuation on April 30, 2014 but till date even after expiry of more than three years, retiral benefits have not been released/disbursed to the petitioner.

3. Learned counsel for the petitioner further submits that no inquiry of any sought is pending against the petitioner. He further submits

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that a legal notice dated April 24, 2017 (P-3) was also served upon the respondents but till date neither any reply has been received from any of the respondents nor retiral benefits have been released/disbursed so far. Learned counsel for the petitioner still feels satisfied in case a direction is issued to respondent No.3 to decide legal notice dated April 24, 2017 (Annexure P-3) within some prescribed period.

4. Taking into consideration the aforesaid aspects of the case and without expressing any opinion on the merits, instant petition is disposed of with a direction to respondent No.3-President of Shaheed Kanshi Ram Memorial College, Bhago Majra (Kharar), District Ropar to look into the grievances unfolded by the petitioner in his legal notice dated April 24, 2017 (P-3) and to take a conscious decision that too, by passing a speaking order within a period of two months from the date of receipt of a certified cop of this order. In case respondent No.3 comes to the conclusion that petitioner is entitled to the aforesaid relief(s), same be released/disbursed to him within a period of next 45 days. Factum of interest 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, be also considered on delayed payment(s).

5. However, if petitioner still feels aggrieved by any of the orders passed by the aforesaid authority, he shall be at liberty to approach this Court.

September 18, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes/No
Yes/No**