

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

Sr. No.113

**Civil Writ Petition No.21319 of 2017**  
**DECIDED ON: September 19, 2017**

**VIR SINGH**

**..PETITIONER**

**VERSUS**

**STATE OF PUNJAB AND OTHERS**

**...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE JASPAL SINGH**

Present: Mr. G.C. Shahpuri, Advocate, for the petitioner.  
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**JASPAL SINGH, J. (ORAL)**

By virtue of the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of Mandamus, directing the respondents to release the retiral benefits i.e. leave encashment along with interest @ 18% per annum on delayed payments from the date these have become due till payment.

2. The contention of learned counsel for the petitioner is that though some retiral benefits have already been paid to the petitioner and he stood retired on March 31, 2017 on attaining the age of superannuation. But leave encashment has not so far been released/disbursed to the petitioner. Petitioner also served a legal notice dated April July 29, 2017 (P-1) to the respondents but till date neither any action nor any response received from the respondents, which necessitated the filing of instant petition.

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3. Learned counsel for the petitioner further submits that he feels satisfied in case a direction is issued to respondents No.2 & 3 to decide his legal notice dated July 29, 2017 (P-1) 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 respondents No.2-Additional Chief Secretary to Government of Haryana, Forest Department, Civil Secretariat, Sector 17, Chandigarh and No.3-Principal Chief Conservator, Van Bhawan, Sector 6, Panchkula to consider the legal notice dated July 29, 2017 (P-1) and to take a conscious decision by passing a speaking order within a period of two months from the date of receipt of a certified copy of this order. In case, competent authorities comes to the conclusion that petitioner is entitled to the relief(s) claimed, same be released/disbursed to him within a period of next one month. 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 case *Baldev Singh vs. State of Punjab and Anr.*, CWP No.24845 of 2015, decided on August 01, 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 19, 2017**

*Ankur*

**(JASPAL SINGH)  
JUDGE**

**Whether speaking/reasoned  
Whether reportable**

**Yes/No  
Yes/No**