

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.21521 of 2017 (O&M)
DECIDED ON: SEPTEMBER 20, 2017

BUDH SINGH

.....PETITIONER..

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Raman Goklaney, Advocate,
for the petitioner.

JASPAL SINGH, J (ORAL)

CM-13524-CWP-2017

Application is allowed as prayed for. Representation dated
07.06.2017 (Annexure P-19) is taken on record, subject to all just exceptions.

CM stands disposed of.

Main Case

By virtue of instant petition preferred under Article 226/227 of the
Constitution of India, the petitioner has sought issuance of a writ in the nature of
mandamus, directing respondents No.5 & 6 to release pending/remaining retiral
benefits viz gratuity, leave encashment etc. as respondent No.6 has released
₹7,64,355/- out of total retiral benefits of ₹11,07,536/- as raised in legal notice
dated 07.07.2017 (P-4).

2. The contention of learned counsel for the petitioner is that the

petitioner stood retired on 31.01.2017 as Secretary on attaining the age of superannuation but till date only a sum of ₹764355/- has been released by respondent No.6, out of the total retiral benefits of ₹11,07,536/-. Even, a legal notice dated 07.07.2017 (Annexure P-4) was duly served upon the respondents but till date no action has been taken. He submits that petitioner feels satisfied in case direction is issued to respondent No.3-Joint Registrar, Co-operative Societies, Ferozepur to decide the legal notice dated 07.07.2017 (Annexure P-4) within a stipulated period.

3. Accordingly, instant petition is disposed of with the direction to respondent No.3- Joint Registrar, Co-operative Societies, Ferozepur to look into the grievances unfolded by the petitioner in his legal notice dated 07.07.2017 (Annexure P-4) and decide the same, in accordance with law, within a period of 3 months from the date of receipt of certified copy of this order. In case, the concerned authority comes to the conclusion that petitioner is entitled to the relief claimed, to release/disburse the same within a period of next 45 days. The factum of grant of interest on delayed payment be also considered in view of the observations made by Full Bench judgment of this Court in case captioned as ***“R.S. Randhawa vs. State of Punjab, 1997 (3) RSJ 318.***

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

SEPTEMBER 20, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned ***Yes***

Whether reportable ***Yes/No***