

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.22249 of 2017
DECIDED ON: SEPTEMBER 28, 2017

SUBHASH CHAND

.....PETITIONER.

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS.

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ especially in the nature of mandamus directing the respondents to pay/release the pension, GPF, leave encashment, gratuity etc. and all other retiral benefits along with 18% interest, which have illegally withheld and delayed by the respondents since 31.03.2016.

2. The contention of learned counsel for the petitioner is that the petitioner was appointed as Safai Sewak in the office of Municipal Council, Kotkapura on 01.03.1978 and retired on 31.03.2016 on attaining the age of superannuation. He further submits that no complaint, recovery or charge sheet was pending against the petitioner but till date he has not received any retiral

benefits. Even, legal notice dated 17.07.2017 (Annexure P-1) was duly served upon the respondents but till date neither any response has been received nor any decision has been taken by the respondents. He submits that petitioner feels satisfied in case direction is issued to respondent(s) to decide the aforesaid legal notice, within a stipulated period.

3. Accordingly, instant petition is disposed of with a direction to respondent(s) to consider the claim(s) of the petitioner unfolded by the petitioner in his legal notice dated 17.07.2017 (Annexure P-1) and to decide the same, within a period of three 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 through aforesaid legal notice, to release/disburse the same within a period of next one month. The factum of grant of interest be also 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.***”

4. 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 28, 2017,
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned ***Yes***

Whether reportable ***Yes/No***