

CWP No. 22491 of 2017

DECIDED ON: OCTOBER 03, 2017

GURDEV SINGH VIRK

.....PETITIONER

VERSUS

STATE OF HARYANA AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Tribhuvan Dahiya, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of writ in the nature of mandamus directing the respondents to release pensionary benefits to the petitioner along-with interest @18% per annum from the date it became due till the date of actual payment with further direction to release the salary of the petitioner as Associate Professor for the periods; (i) 18 to 28.02.2013; (ii) 29 to 31.12.2016, along-with interest @18% per annum from the date it became due till the date of actual payment

2. The contention of learned counsel for the petitioner is that vide order dated July 12, 2017 issued by respondent No.2, suspension order dated December 29, 2016 and charge sheet dated December 15, 2016 were set-aside and respondents No.3 and 4 were directed to release the retiral/pensionary benefits to the petitioner, immediately. But till date nothing has been done.

Even though, a representation dated July 28, 2017 (P-7) was also moved by the petitioner to respondent No.4, which also did not fetch any reply. He, however, submits that he feels satisfied in case a direction is issued to respondents No.4 to consider and decide the representation (P-7) within a stipulated period.

3. Accordingly, instant petition is disposed of with a direction to respondent No.4 to look into the grievances unfolded by the petitioner in his representation (P-7) and to take a conscious decision in accordance with law within a period of two months from the date of receipt of certified copy of this order. In case respondent No.4 comes to the conclusion that petitioner is entitled to the relief(s) claimed by him, to release the same within next 30 days. However, the matter with regard to grant of interest on delayed payment be also considered in view of observations made by Full Bench of this Court in case captioned as **“A.S. Randhawa vs. State of Punjab and others; 1997 (3) SCT 468** and in CWP No. 8772 of 2015 titled as **Charan Dass vs. State of Punjab & others;** decided on July 11, 2017. However, if petitioner still feels aggrieved by any order of the afore-said authority, he shall be at liberty to approach this Court.

OCTOBER 03, 2017
sham

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*