

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

Sr. No.117

Civil Writ Petition No.22566 of 2017
DECIDED ON: October 03, 2017

NACHHATAR SINGH

..PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sourabh Goel, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

Through the instant civil writ petition, preferred under Article 226/227 of the Constitution of India, petitioner has sought the issuance of a writ, order or direction in the nature of Mandamus directing the respondent No.2 to release the amount due on account of leave encashment for the period of service rendered by the petitioner with respondent No.2 during 1981-1994 along with interest as petitioner retired from service on December 31, 2016 on attaining the age of superannuation and before being absorbed in the respondent No.4-Bank on being retrenched by respondent No.2 in the year 1994 as well as to pass an order or directing the respondent No.4 to pay the retiral dues i.e. gratuity and leave encashment for the service rendered by the petitioner from 1994 to 2016 and release the leave encashment for the service rendered by the petitioner with respondent No.2 for the period 1981-1994.

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2. Learned counsel for the petitioner contends that though a legal notice was moved to the respondent No.2 on July 17, 2017 (P-5) but till date neither any reply to the said legal notice has been received nor any final order has been passed by the concerned authority.

3. Learned counsel for the petitioner further submits that he feels satisfied in case a direction is issued to respondents No.2 & 4 to decide his legal notice dated July 17, 2017 (P-5) in a time bound manner.

4. Instant petition is disposed of with a direction to respondents No.2 & 4 to look into the grievances unfolded by the petitioner in his legal notice dated July 17, 2017 (P-5) and to take a conscious decision by passing a speaking order that too, after giving a patience hearing to the petitioner 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 to him within a period of next 30 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.

October 03, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes/No
Yes/No**