

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 23327 OF 2017
DECIDED ON: OCTOBER 24, 2017

ASHOK KUMAR

.....PETITIONER..

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Yash Pal Sharma, 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 in the nature of mandamus directing the respondents to release the pensionary benefits to the petitioner along with interest on delayed payments.

2. Notice of motion.

3. At the asking of the Court, Ms. Devaki Anand Sullar, AAG, Punjab has accepted notice on behalf of the respondents-State. Copy of the petition be supplied to learned State counsel, during the course of the day.

4. In view of the relief claimed by the petitioner through instant petition and the order going to be passed for the disposal thereof, this Court is of the considered view that it would not be necessary to ask the respondents to file any reply and matter can be disposed of in the absence thereof.

5. Undisputably, the petitioner retired as Junior Engineer on attaining

the age of superannuation on 31.10.2016 but till date the retiral benefits have not been disbursed to the petitioner and have been withheld illegally, arbitrarily and against rules.

6. Learned counsel for the petitioner further contends that total eight different complaints on similar allegations were lodged by his brother, which have found to be false, yet the retiral benefits have not been released. As far as FIR No.8, dated 16.04.2015, registered at Police Station Vigilance Bureau, Patiala, is concerned, even after expiry of more than two years, no charge-sheet has been filed in the Court. Meaning thereby, that there is no charge-sheet in the eyes of law, on the basis of which, some of the retiral benefits cannot be withheld. Even legal notice dated 06.09.2017 (Annexure P-2) was also served to the Principal Secretary, Irrigation Department, Punjab, Chandigarh but till date there is no response.

7. Learned counsel for the petitioner submits that petitioner feels satisfied in case, direction is issued to respondent-Principal Secretary, Irrigation Department, Punjab, Chandigarh to deal with and dispose of legal notice and take appropriate action within some stipulated period.

8. Thus, instant petition is disposed of with the direction to respondent No.1-Principal Secretary to Govt. of Punjab, Department of Irrigation, Mini Secretariat Punjab, Chandigarh to look into the grievances projected by the petitioner in his legal notice dated 06.09.2017 (Annexure P-2) and to take a conscious decision absolutely inconsonance with the service rules and instructions issued by the Govt. from time to time, 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 benefits claimed through legal notice, to disburse the same within a period of next 45 days. The grant of interest shall also be considered by the concerned authority 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.*”

9. However, if the petitioner still feels aggrieved against the order passed by the concerned authority, he shall be at liberty to approach this Court.

OCTOBER 24, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes*

Whether reportable *Yes/No*