

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 24335 OF 2017
DECIDED ON: OCTOBER 27, 2017

SUBHASH CHAND

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. M.K. Dogra, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

Notice of motion.

2. At the asking of the Court, Mr. Manoj Bajaj, Additional Advocate General, Punjab has accepted notice on behalf of the respondent-State. Copy of the paper book be supplied to learned State counsel during the course of the day.

3. Through instant petition preferred under Article 226 of the Constitution of India, petitioner has sought issuance of a writ especially in the nature of mandamus directing the respondents to immediately pay the full retiral benefits including gratuity, which has already been sanctioned with interest @ 18% per annum and also interest on the payment of GPF as well as leave encashment.

4. The contention of learned counsel for the petitioner is that the petitioner stood retired on 30.11.2015 on attaining the age of superannuation

and prior to the date of his retirement i.e. on 05.08.2015 (Annexure P-2) the sanction was already granted for the disbursement of the gratuity, but to the utter surprise, till date, the payment has not been made. However, the other retiral dues have already been paid to the petitioner. Learned counsel for the petitioner further clarifies that nothing in the shape of departmental inquiry is pending against the petitioner.

5. The instant petition is disposed of with the direction to the respondents to make the payment of the amount, which has already been sanctioned, within a period of one month from the date of receipt of certified copy of this order and, if any such, amount has not been sanctioned, which is the part of the retiral benefits, to consider the same and make the disbursement thereof, within a period of next one month. The petitioner shall also be entitled to interest @ 9% on delayed payment of retiral benefits, from the date of sanction, till its realization.

6. 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 27, 2017
sonika

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned ***Yes***

Whether reportable ***Yes/No***