

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 24764 OF 2017
DECIDED ON: NOVEMBER 01, 2017

RADHE SHYAM SHARMA

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Aman Chaudhary, 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 release the retiral benefits such as pension, commutation of pension, gratuity and leave encashment in the new pay scale as per his entitlement alongwith interest @ 18% per annum on the arrears from due date i.e. 31.03.2017.

2. Learned counsel for the petitioner submits that though the petitioner stood retired on 31.03.2017 on attaining the age of superannuation but till date except GPF, no other retiral benefits have been released.

3. It has further been clarified by learned counsel for the petitioner that neither any adverse proceeding nor any disciplinary inquiry etc. is pending against the petitioner. Even, a legal notice dated 06.09.2017 (Annexure P-7) was

duly served upon the respondents but till date neither any reply has been received nor any conscious decision has been taken. He further submits that petitioner feels satisfied in case direction is issued to respondents to decide aforesaid legal notice, within a stipulated period.

4. Instant petition is disposed of with a direction to the respondent(s) to consider the grievances unfolded by the petitioner in his legal notice dated 06.09.2017 (Annexure P-7) 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 legal notice, to release the same within a period of next 45 days. The factum of grant of interest shall also be considered in the light of observations made by Full Bench of this Court in case titled as “**A.S. Randhawa v. State of Punjab and others, 1997 (3) SCT, 468.**”

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

NOVEMBER 01, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned ***Yes***

Whether reportable ***Yes/No***