

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

Sr. No.105

Civil Writ Petition No.25679 of 2017 (O&M)
DECIDED ON: December 06, 2017

ASHOK KUMAR

..PETITIONER

VERSUS

**THE SECRETARY, DEPARTMENT OF LOCAL GOVERNMENT,
PUNJAB AND OTHERS**

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Vikram Anand, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

CM No.17605 of 2017

Application is allowed as prayed for. Order of retirement dated 20.07.2017 (P-4) is taken on record subject to all just exceptions and be tagged at appropriate place.

CWP No.25679 of 2017

By virtue of the instant civil writ petition, preferred under Article 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of Mandamus directing the respondents to release the pending pensionary benefits along with interest @ 24% per annum on the delayed payments, which has been withheld by the respondents-department.

2. Learned counsel for the petitioner submits that though a legal notice dated September 04, 2017 (P-2) was moved to the respondents but till

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date, no conscious decision has been taken so far. He further submits that petitioner feels satisfied in case a direction is given to respondents No.2 to 4, to decide the aforesaid legal notice, within some specified period.

3. Accordingly, instant petition is disposed of with the direction to respondents No.2 to 4, to look into the grievances unfolded by the petitioner in the legal notice dated September 04, 2017 (P-2) and to take a conscious decision by passing a speaking order considering all the facts narrated in the aforesaid legal notice 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 45 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 and Instructions No.1/15/90-IFPIII/4226 dated May 10, 1990 issued by the Government of Punjab, be also considered on delayed payment(s).

4. However, in case, petitioner still feels aggrieved of the order passed by concerned authority, he shall be at liberty to approach this Court.

December 06, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**