

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.26420 of 2017
DECIDED ON: NOVEMBER 20, 2017

BHUPINDER KAUR

.....PETITIONER.

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS.

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Harnek Singh, Advocate,
for the petitioner.

JASPAL SINGH, J (ORAL)

Through instant civil writ 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 pay the interest on the delayed payment of retiral benefits @ 12% in view of judgment passed by Full Bench in CWP No. 2883 of 1997, decided on 16.05.1997, titled as “*A.S. Randhawa v. State of Punjab and others*”.

2. The contention of learned counsel for the petitioner is that the petitioner retired from service on 31.08.2016 as Social Study Teacher. Though, some of the retiral benefits have been paid but payment on account of GIS amounting to ₹11,492/- as well as death-cum-retirement gratuity amounting to ₹4,24,161/- totaling ₹4,35,653/- has not so far been paid. Ultimately, petitioner

was constrained to serve legal notice upon the respondents on 10.07.2017 (Annexure P-1) but neither it fetch any reply nor payment has been made till date. Learned counsel for the petitioner further contends that even retiral benefits were paid after a considerable delay, regarding which, no interest has been paid. Learned counsel for the petitioner submits that petitioner feels satisfied in case direction is issued to respondents to consider her legal notice by passing a speaking order.

3. Taking into consideration the aforesaid aspects but without expressing any opinion on merits of the case, the instant petition is disposed of with the direction to respondent No.2-Director of Public Instruction (DPI) Secondary, SAS Nagar, Mohali to consider the case of the petitioner, within a period of two months from the date of receipt of certified copy of this order. The claim with regard to grant of interest on delayed payment shall also be considered in view of Full Bench judgment of this Court captioned as ***“A.S. Randhawa vs. State of Punjab & others”, 1997(3) SCT 468.***

4. However, if the petitioner still feel aggrieved of the order passed by the concerned authority, she shall be at liberty to approach this Court.

NOVEMBER 20, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned ***Yes***

Whether reportable ***Yes/No***