

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.26423 of 2017
DECIDED ON: NOVEMBER 20, 2017

SHASHI KANTA

.....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, provident fund, earned leave and gratuity @ 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. Learned counsel for the petitioner contends that though legal notice dated 10.07.2017 (Annexure P-3) was duly served upon the respondents but till date no conscious decision has been taken by the respondents. 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 of the case, the instant petition is disposed of with a direction to respondent No.2-Director of Public Instruction (DPI) Secondary, SAS Nagar Mohali to consider the grievances unfolded by the petitioner in her legal notice dated 10.07.2017 (Annexure P-3) and to decide the same as per Govt. Instructions issued from time to time with regard to delayed payments of retiral benefits as well as keeping in view the observations made by Full Bench judgment of this Court in case captioned as "*R.S. Randhawa vs. State of Punjab, 1997 (3) RSJ 318*, within a period of two months from the date of receipt of certified copy of this order. With further direction to respondent No.2 to release/disburse the remaining benefits, if any.

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
sonika

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes*

Whether reportable *Yes/No*