

CWP No.26557 of 2017

DECIDED ON: NOVEMBER 21, 2017

TRILOKI NATH SHARMA

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Puneet Sharma, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of Mandamus directing the respondent No.1 to release the arrears of provisional pension, which were withheld from November 2014 with further direction to respondents to decide the representation dated May 02, 2016 (P-7) followed by reminder dated July 06, 2016 (P-8) and legal/demand notice dated September 28, 2017 (P-15).

2. Learned counsel for the petitioner has submitted that petitioner stood retired on June 30, 2004. Though the provision pension has already been granted to the petitioner under Rule 2.2. (c)(i) of Punjab Civil Services Rules, Volume II but the same has been withheld w.e.f. November 2014, by the

respondents that too, without passing any specific order and simply on the ground that petitioner stands convicted in two case i.e. FIR No. 37, dated May 29, 2003 and FIR No. 40, dated June 04, 2003. He further submits that even the petitioner made representation dated May 02, 2016 (P-7) followed by its reminder dated July 06, 2016 (P-7) and also served legal notice dated September 28, 2017 (P-15), which did not fetch any reply. No action has been taken by the concerned authorities till date. He further submits that he feels satisfied in case a direction is issued to respondents to consider and decide the afore-said legal notice (P-15) within a time bound manner.

3. Accordingly, instant petition is disposed of with a direction to respondents to look into the grievances unfolded by the petitioner in representation (P-7) as well as in the legal notice (P-15) and to take a conscious decision in accordance with law, rules, regulations and instructions issued by Government from time to time, within a period of three months from the date of receipt of certified copy of this order.

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

NOVEMBER 21, 2017**sham****(JASPAL SINGH)****JUDGE***Whether speaking/reasoned* *Yes/No**Whether reportable* *Yes/No*