

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

Sr. No.106

Civil Writ Petition No.26923 of 2017
DECIDED ON: November 28, 2017

SHANTI DEVI

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Gurjinder Singh Thind, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

By virtue of the instant civil writ 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 respondents to release the amount of leave encashment, GPF, Medical Bills along with interest.

2. The contention of learned counsel for the petitioner is that though the gratuity amounting to Rs.10 lacs has already been sanctioned and paid to the petitioner on May 31, 2017 after a period of one and a half year on account of the demise of her daughter namely Dr. Usha Kiran. Other retiral benefits i.e. GPF, Leave Encashment, Medical Bills etc. have not so far been released/disbursed to the petitioner. Even no interest on the delayed payment of gratuity has been granted.

3. Learned counsel for the petitioner submits that legal notice dated July 17, 2017 (P-8) when it did not fetch any reply, another legal

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notice dated July 18, 2017 (P-9) was also served upon the respondents but till date neither any conscious decision has been taken nor the payment(s) have been released. However, learned counsel for the petitioner further submits that he feels satisfied in case a direction is issued to the respondent No.2 to decide the aforesaid legal notices within some specified period.

4. Without expressing any opinion on the merits of the case but keeping in view the above said aspects, instant petition is disposed of with a direction to respondents No.2-Director Public Instruction (Colleges), Department of Education, Punjab, Sector 17, Chandigarh to consider the claim and decide the aforesaid legal notices (P-8 &-9) and to take a conscious decision by passing a speaking order, within a period of two months from the date of receipt of a certified copy of this order. In case, there is no legal or other impediment, same be released to the petitioner within a period of next 30 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 dated May 10, 1990, issued by the Government of Punjab, shall also be considered on delayed payment (s).

5. However, if petitioner still feels aggrieved by any of the orders passed by the aforesaid authority, he shall be at liberty to approach this Court.

November 28, 2017

Ankur

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**

**(JASPAL SINGH)
JUDGE**