

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

Sr. No.111

Civil Writ Petition No.26939 of 2017
DECIDED ON: November 28, 2017

GURMAIL SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Virinder K. Shukla, Advocate, for the petitioner.

JASPAL SINGH, J. (ORAL)

By virtue of the instant civil writ petition, preferred under Article 226 of the Constitution of India, petitioner has sought the issuance of a writ especially in the nature of Mandamus directing the respondents to release the pensionary benefits i.e. Pension, Gratuity, Leave Encashment, GPF and payment on account of Group Insurance Scheme along with interest @ 12% per annum.

2. The contention of learned counsel for the petitioner is that the payment of pension and gratuity has already been sanctioned vide separate order dated October 26, 2017 (P-1 & P-2) passed by respondent No.5. But till date same has not been paid to the petitioner. The other retiral benefits i.e. GPF, Leave Encashment and payment of GIS have not been sanctioned nor released to him without any rhyme or reason. There is no disciplinary inquiry is pending against the petitioner. Petitioner stood retired as Kanungo on December 31, 2016 from the office of respondent No.2 on attaining the age of superannuation.

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3. Learned counsel for the petitioner submits that though a legal notice dated September 25, 2017 (P-3) was moved to the respondents but till date, no action has been taken. He further submits that petitioner feels satisfied in case direction is given to respondent No.2, to decide the aforesaid legal notice, within a stipulated period.

4. Accordingly, instant petition is disposed of with a direction to respondent No.2-Deputy Commissioner-cum-Collector, Moga (Punjab) to look into the grievances unfolded by the petitioner in the legal notice dated September 25, 2017 (P-3) 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, there is no impediment, relief(s) claimed through the instant petition 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, 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**