

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

Sr. No.121

Civil Writ Petition No.26992 of 2017
DECIDED ON: November 28, 2017

JAGDEV SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Natasha Munjal, Advocate for
Mr. M.K. Dogra, Advocate, for the petitioner.

JASPAL SINGH, J. (ORAL)

The instant civil writ petition has been preferred under Article 226/227 of the Constitution of India for issuance of a writ especially in the nature of Mandamus directing the respondents to pay the full retiral benefits including full amount of Gratuity, Leave Encashment etc. along with interest @ 18% per annum with further direction to pay arrears of pay fixation on account of restoration of four special increments as per Hon'ble Apex Court judgment and also on account of grant of proficiency step up on completion of 4-9-14 years of service.

2. The contention of learned counsel for the petitioner is that petitioner stood retired on May 31, 2017 on attaining the age of superannuation. The payment of Gratuity has already been sanctioned by respondent No.4 vide order dated March 20, 2017. But till date, the same as well as other retiral benefits have not been released/disbursed to the petitioner.

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3. Learned counsel for the petitioner submits that though a representation dated August 30, 2017 (P-4) 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 respondents No.2 & 3, to decide the aforesaid representation, within a specified time.

4. Accordingly, instant petition is disposed of with a direction to respondents No.2 & 3 to look into the grievances unfolded by the petitioner in the representation dated August 30, 2017 (P-4) 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, competent authorities comes to the conclusion that petitioner is entitled to the relief(s) claimed, same be released to him 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, 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

**(JASPAL SINGH)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

Yes/No