

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 28131 OF 2017
DECIDED ON: DECEMBER 12, 2017

GULSHAN KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Vanita Sapra Kataria, Advocate
for the petitioner.

JASPAL SINGH, J.

By virtue of instant 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 with interest w.e.f. 28.02.2017 arrears of pension, arrears of gratuity, leave encashment, earned leave and other retiral benefits under the service rules.

2. The contention of learned counsel for the petitioner is that the petitioner stood retired on attaining the age of superannuation on 21.01.2017, but till date the retiral benefits have not been released to him, despite the fact that neither any disciplinary inquiry is pending nor any adverse remarks is there.

3. Learned counsel for the petitioner further submits that though various representations were moved to the respondents, but till date no conscious decision has been taken. In fact, petitioner also served legal notice

dated 06.09.2017 (Annexure P-10) and subsequent reminder dated 28.11.2017 (Annexure P-16) but neither the retiral benefits have been disbursed to the petitioner nor any reply to the legal notice and reminder has been received. She feels satisfied in case direction is issued to respondent No.2 to 4 to decide aforesaid legal notice, within a stipulated period.

4. Instant petition is disposed of with a direction to respondents No. 2 to 4 to look into the grievances unfolded by the petitioner in his legal notice dated 06.09.2017 (Annexure P-10) and to decide the same, within a period of two months from the date of receipt of certified copy of this order. In case, the concerned authorities come to the conclusion that petitioner is entitled to the relief claimed, to release/disburse the payment within a period of next one month.

5. As far as grant of interest on delayed payment is concerned that shall also be considered in view of the observations made by Full Bench of this Court in case captioned as ***“R.S. Randhawa vs. State of Punjab, 1997 (3) RSJ 318*** as well as Punjab Govt. Instructions No.1/15/90IFPIII/4226, dated 10.05.1990.

6. However, if the petitioner still feel aggrieved against the order passed by the concerned authority, he shall be at liberty to approach this Court.

DECEMBER 12, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned ***Yes/No***

Whether reportable ***Yes/No***