

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

Sr. No.112

Civil Writ Petition No.28225 of 2017
DECIDED ON: December 13, 2017

RAJINDER

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sunny Singla, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

Through 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 pensionary benefits i.e. Gratuity, Leave encashment etc. along with interest on the delayed payment thereof which have been withheld by the department.

2. The contention of learned counsel for the petitioner is that earlier petitioner was moved the representation dated 18.08.2017 to respondent No.4 when it did not fetch any reply, another representation dated 04.09.2017 was moved to respondent No.1 to release the retiral benefits but neither any reply has been received nor any final decision has

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been taken by the concerned department. Learned counsel for the petitioner further contends that neither any disciplinary inquiry nor any other legal impediment is there.

3. Without commenting upon the merits of the case, instant petition is disposed of with a direction to respondent No.2 to consider the case of the petitioner in terms of representations dated 18.08.2017 and 04.09.2017 (P-3 colly) 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. If, competent authorities arrive at a conclusion that petitioner is entitled to the relief(s) claimed, same be released to him within a period of next one month. 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 No.1/15/90IFPIII/4226 dated 10.05.1990 issued by the Government of Punjab, be also considered on delayed payment(s).

4. 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.

December 13, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**