

CWP No. 28808 of 2017

DECIDED ON: DECEMBER 18, 2017

OM PARKASH

....PETITIONER

VERSUS

STATE OF PUNJAB & ORS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Puneet K. Sharma, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought a writ in the nature of mandamus directing the respondents to decide the representation dated April 18, 2017 (P-8) followed by notice dated May 12, 2017 (P-9) and award full pensionary benefits to him by revising his pay in terms of order dated August 08, 2016 passed by Deputy Inspector General of Police, Bathinda, Range, Bathinda, vide which petitioner was awarded promotion as Sub Inspector w.e.f. 01.02.2001 and further petitioner is entitled to all consequential benefits with full & allowances as the FIR No. 836, dated 18.11.2009, under Section 7/12/13(2)88 P.C. Act, P.S. Kotwali, Bathinda is cancelled on dated 18.05.2016 vide Annexure P-5 and petitioner is also entitled to all the pensionary benefits i.e. Full pension, gratuity and revised arrears of leave encashment along-with interest @18% p.a.

2. Learned counsel for the petitioner has submitted that petitioner stood retired on December 31, 2009. However, at the time of his retirement, a criminal proceedings bearing FIR No. 836, dated 18.11.2009, under Sections 7/12/13(2)88 P.C. Act, PS Kotwali, Bathinda were pending against the petitioner, which stood culminated vide order dated May 18, 2016 passed by Special Judge, Bathinda (P-5). Even thereafter, a period of more than a year has elapsed but till date retiral benefits has not so far been released/disbursed to the petitioner. Petitioner also served a legal notice dated May 12, 2017 (P-9) upon the respondents, which did not fetch any reply. Learned counsel for the petitioner further submits that he feels satisfied in case a direction is issued to respondents to consider and decide the afore-said legal notice (P-9) within some stipulated period.

3. Accordingly, instant petition is disposed of with a direction to respondents to look into the grievances unfolded by the petitioner in the legal notice (P-9) and to take a conscious decision in accordance with law, rules, regulations and instructions issued by the Government from time to time within a period of two months from the date of receipt of certified copy of this order. In case the authority comes to the conclusion that petitioner is entitled to the relief claimed by him through his legal notice, the same shall be released to him within next 45 days, if there is no legal impediment.

4. 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 *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.

5. However, in case the petitioner still feels dissatisfied by any order of the afore-said authority, he shall be at liberty to approach this Court.

DECEMBER 18, 2017
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>