

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.13764 OF 2016
DECIDED ON: JULY 13, 2018

JASWANT SINGH SANDHU AND ORS.

.....PETITIONERS..

VERSUS

FINANCIAL COMMISSIONER DEVELOPMENT-CUM-SECRETARY,
GOVT. OF PUNJAB, DEPT. OF AGRICULTURE, PUNJAB CIVIL
SECRETARIAT, CHD. AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. S.K. Dogra, Advocate,
for the petitioners.

Mr. Navdeep Chhabra, Additional Advocate General, Punjab.

JASPAL SINGH, J. (Oral)

Through instant petition, preferred under Article 226 of the Constitution of India, petitioners have sought issuance of a writ especially in the nature of Mandamus directing the respondents to re-fix the death-cum-retirement gratuity and leave encashment and release the same along with arrears of pension and interest thereon @12% per annum.

2. In response to the notice of motion, respondents filed the reply to the writ petition. Para 1 of preliminary submissions is relevant for the disposal of the instant petition, which reads ut infra:-

“That the petitioners have already granted the revision of gratuity, leave encashment as per the directions/letter issued by ld. Ld. Director Agriculture

Punjab, SAS, Nagar, vide letter memo No.2-4154/2016E(2)/118-162 dated 06.01.2017 as claimed by the petitioners on the basis of COCP No.1363 of 2016 Sohan Lal Bansal and others v. Sh. N.S. Kalsi and others and CWP No.6382 of 2014 Gurjant Singh and others v. State of Punjab and others. The said letter is annexed as Annexure R-1: The operative part is reproduced as under:-

“Therefore by sending the copy of Punjab Govt. letter you are hereby advised to send the concerned cases for sanction of payment of difference between fixed notional salary on 01.01.1996 and revised leave encashment/gratuity of the petitioners/non-petitioners coming under your purview”.

So therefore in the light of these directions the case of petitioners was also sent through proper channel for release of revised gratuity and leave encashment. After calculations all the dues have been cleared and the payment has been made to the petitioners. Petitioner No.1 has granted and released the revised DCRG vide bill No.23 of 02.05.2017 and revised leave encashment vide bill No.96 of 26.12.2016, petitioner No.2 vide bill No.62 of 17.05.2017, and 73 of 17.05.2017 and petitioner No.3 vide ECS No.CHD000111170067001 dated 01.11.2017 and CHD00512170670003 dated 05.12.2017 the certificates to these effects that payments have been made to the petitioners issued by the concerned Chief Agriculture Officer are annexed herewith as Annexures R-2, R-3 and R-4 respectively. So the petition of the petitioners became infructuous and liable to be dismissed.”

3. A glance at the aforesaid para transpires that petitioners have already been granted the various benefits but still petitioners insist that neither

interest on the delayed payment nor arrears of pension have been paid in compliance of judgment passed in CWP No.23138 of 2010, titled as ***“Dr. Naresh Kumar Kataria and others v. State of Punjab and others”***, decided on 05.01.2012.

4. As regards grant of interest on delayed payments of various retirement benefits is concerned, petitioners are not entitled on the basis of relief claimed in earlier writ petition preferred by the petitioners, which was disposed of vide order dated 05.01.2012. As far as non-grant of arrears of pension on account of revision are concerned, if the same have not been granted, petitioners shall be at liberty to raise the claim by way of representation to the respondents.

5. With the aforesaid observations, petition stands disposed of.

JULY 13, 2018
sonika

(JASPAL SINGH)
JUDGE

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