

**CWP No. 10165 of 2018
DECIDED ON: APRIL 26, 2018**

KRISHAN KUMAR

....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Barjesh Kumar Sharma, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226 and 227 of the Constitution of India petitioner has sought a writ in the nature of mandamus directing the respondents to release all the retiral benefits accrued to him on account of his retirement along-with interest @ 12% per annum on the delayed payment(s) thereof.

2. The contention of petitioner is that the petitioner stood retired on 31.12.2017 on attaining the age of superannuation. Despite the fact that neither any departmental nor any judicial proceeding is/was pending against the petitioner at the time of his retirement or at present, nothing has been paid to him. Petitioner constrained to serve legal notice dated 22.02.2018 (P-3) but till date no conscious decision has been taken. At this juncture learned counsel for the petitioner submits that petitioner feels satisfied in case a direction is issued

to respondents to consider and decide the afore-said legal notice (P-3) within some time bound manner.

3. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondents to look into the grievances unfolded by the petitioner in the legal notice dated 22.02.2018 (P-3) and to take a conscious decision by passing a speaking order considering all the facts narrated in the aforesaid legal notice within a period of two months from the date of receipt of a certified copy of this order. In case, competent authority comes to the conclusion that petitioner is entitled to the relief(s) claimed, same be released to him within a period of next 45 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, 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 have recourse to other remedies available to him under law including to approach this Court.

APRIL 26, 2018
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(JASPAL SINGH)
JUDGE

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