

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.10629 OF 2018
DECIDED ON: AUGUST 07, 2018

DHARAMPALPETITIONER
VERSUS

STATE OF PUNJAB AND OTHERSRESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Akshay Sandhir, Advocate for the petitioner.

JASPAL SINGH, J.(Oral)

CM-11285-CWP-2018

Application is allowed as prayed for. Additional affidavit filed in compliance of order dated 17.05.2018, is taken on record, subject to all just exceptions. Be tagged at appropriate place.

CM stands disposed of.

Main case

Through 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 release the service and retiral benefits (gratuity, arrear of fixation of pay commission report) and to grant the proficiency step up (ACP) along with interest on the delayed payment.

2. Learned counsel for the petitioner contends that petitioner stood retired on 31.12.2012 on attaining the age of superannuation but till date the retiral benefits (gratuity, arrear of fixation of pay commission report) etc. have not been released to the petitioner. He further submits that neither any

departmental nor any judicial proceeding is pending against the petitioner at present and one inquiry which was earlier pending is not only against the petitioner but is also against his co-employee and in the said inquiry, petitioner already stands exonerated.

3. He further submits that petitioner served legal notice dated 12.09.2017 (P-3), but till date neither any response has been received nor any decision has been taken thereon. He further submits that petitioner feels satisfied in case direction is issued to respondents to consider and decide legal notice (P-3) within a stipulated period.

4. Accordingly, instant petition is disposed of with a direction to respondent(s) to consider the case unfolded by the petitioner in legal notice (P-3) and to take a conscious decision within a period of two months from the date of receipt of certified copy of this order. If there is no impediment, to calculate and disburse the benefits accrued to the petitioner on account of his retirement within a period of next 45 days.

5. The respondents are also directed to consider the case of the petitioner for the grant of interest on delayed payment in the light of Punjab Govt. Instructions No.1/15/90IFPIII/4226, dated 10.05.1990.

6. However, if petitioner still feels aggrieved by any order of the aforesaid authority, he shall be at liberty to approach this Court or to have recourse to the other remedies available under law.

AUGUST 07, 2018

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***Whether speaking/reasoned* Yes**

***Whether reportable* Yes/No**

(JASPAL SINGH)

JUDGE