

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

Sr. No.131

**Civil Writ Petition No.12905 of 2018
DECIDED ON: May 21, 2018**

DR. RAJAN BHATTI

..PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. R.S. Bajaj, 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 various benefits legally due to him i.e. placement in higher pay scale on completion of 14 years of service w.e.f. 01.01.2008, pension, gratuity, leave encashment, GPF, GIS etc. along with interest @ 18% per annum.

2. The contention of learned counsel for the petitioner is that petitioner sought voluntary retirement and he submitted his departure report on 02.05.2015 but till date he has neither been conveyed anything regarding request of voluntary retirement nor his retiral benefits released to him till date. He further submits that earlier petitioner moved representation dated 16.03.2017 followed by another representation dated 09.08.2017, but no action was taken. Thereafter, petitioner was constrained to serve a legal notice dated 22.12.2017 (P-4). Though, aforesaid legal notice has been forwarded to the Director, Health and Family Welfare Department, Punjab, Chandigarh for taking immediate necessary action by respondent No.1 vide letter dated 04.01.2018 (P-5). But despite the fact that a period of more than

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four and a half months elapsed yet no action has been taken. He also submits that petitioner feels satisfied in case a direction is issued to respondent No.2 to decide the above said legal (P-4) in a time bound manner.

3. Instant petition is disposed of with a direction to respondent No.2 to consider the grievances unfolded by the petitioner in the legal notice dated 22.12.2017 (P-4) 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 authorities 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 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 have recourse to the other remedies available under law as well as to approach this Court.

May 21, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**