

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

Sr. No.113

Civil Writ Petition No.13263 of 2018
DECIDED ON: May 24, 2018

BALWINDER SINGH

..PETITIONER

VERSUS

**PUNJAB SCHOOL EDUCATION BOARD, PHASE-8, SAS NAGAR
(MOHALI) AND ANOTHER**

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ramesh Goyal, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

By virtue of 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 grant him pensionary benefits including pension, gratuity, leave encashment, commutation of pension and other retiral benefits especially when he retired from service after rendering about 30 years of service on 30.09.2017 along with interest @ 12% per annum from the date of his retirement till its actual payment.

2. Learned counsel for the petitioner contends that petitioner stood retired on 30.09.2017 on attaining the age of superannuation but retiral benefits were not released. Neither any departmental nor any judicial proceeding is pending either on the date of his retirement or subsequent

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thereto. Petitioner served representation dated 23.02.2018 (P-2) as well as legal notice dated 02.04.2018 (P-6) to the respondents but no response has been received till date. He feels satisfied in case a direction is issued to respondents to decide the aforesaid legal notice (P-6) in a time bound manner.

3. Instant petition is disposed of with a direction to respondents to consider the grievances unfolded by the petitioner in the legal notice dated 02.04.2018 (P-6) and to take a conscious decision by passing a speaking order as per rules, regulations and instructions issued by the Government from time to time, 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 24, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**