

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.142

Civil Writ Petition No. 13855 of 2018
DECIDED ON: May 29, 2018

RAMESH KUMAR

..PETITIONER

VERSUS

THE STATE OF PUNJAB THROUGH PRINCIPAL SECRETARY
LOCAL GOVT. PUNJAB, CIVIL SECRETARIAT PUNJAB,
CHANDIGARH & OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Vikas Garg, 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 pay/release the GPF, Leave encashment, Gratuity etc. and all other retiral benefits of the petitioner alongwith 18% interest, which is illegally withheld and delayed by the respondents since 31.10.2017.

2. Learned counsel for the petitioner contends that petitioner stood retired on 31.10.2017 on attaining the age of superannuation but retiral benefits were not released despite the fact that a period of more than seven months has been elapsed. Neither any departmental nor any judicial proceeding is pending either on the date of his retirement or subsequent thereto. Petitioner served representation dated 04.04.2018 (P-1) 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 representation (P-1) in a time bound manner.

3. Instant petition is disposed of with a direction to respondent No.4, Executive Officer to consider the grievances unfolded by the petitioner in the representation dated 04.04.2018 (P-1) 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, respondents comes to the conclusion that petitioner is entitled to the interest 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 29, 2018

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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No