

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

Sr. No.278

Civil Writ Petition No.1454 of 2018
DECIDED ON: July 12, 2018

VED PAL

..PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Parveen Jain, 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 decide representation/letter dated 21.04.2017 (P-5) as well as legal notice dated 21.11.2017 (P-13) issued by him to the respondents and to grant voluntary retirement certificate as per Haryana Civil Services (General) Rules, 2016 AS WELL AS to release his pensionary benefits along with interest @ 18% p.a. w.e.f. 01.08.2017.

2. At the very outset of the arguments, it has been submitted by learned counsel for the petitioner that though representation dated 21.04.2017 (P-5) was made by the petitioner seeking voluntary retirement

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but the said representation/notice was not dealt with and disposed of by the respondents within prescribed period of three months. As such, petitioner is deemed to have retired on completion of the aforesaid notice period of three months. Subsequent thereto, when no action was taken by the respondents, petitioner was constrained to serve a legal notice dated 21.11.2017 (P-13). To the utter surprise, neither any response to the legal notice has been received nor any conscious decision was taken in respect thereof. Moreover, an affidavit dated 04.06.2018 has already been handed over to Dr. Kiran Mayee, Additional Director Education, O/o Director Secondary Education, Haryana, Panchkula in context with the objection raised by the respondents in the written reply to the petition. Even though a period of more than one month has elapsed from submission of aforesaid affidavit yet no action has been taken.

3. In the given circumstances but without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondent No.2 – Director (Secondary Education), Haryana, Siksha Sadan, Sector 5, Panchkula to consider the representation dated 21.04.2017 (P-5) as well as legal notice dated 21.11.2017 (P-13) and to take a conscious decision, within a period of two months from the date of receipt of a certified copy of this order. In case, the request of the petitioner for his voluntary retirement is accepted, to release the necessary benefits within 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,

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2017 and Instructions No.1/2(152) 01-2 FR II dated 20.02.2002 issued by the Government of Haryana, be also considered on delayed payment(s). In case of passing any adverse order or feeling aggrieved non-grant of full retiral benefits accrued on account of voluntary retirement, he shall be at liberty to have recourse to the remedies available under law and/or to approach this Court.

Juy 12, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**