

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.15179 OF 2018
DECIDED ON: JULY 02, 2018

SURJEET KAUR

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Padamkant Dwivedi, Advocate,
for the petitioner.

JASPAL SINGH, J.

Through instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ especially in the nature of mandamus directing the respondents to release the retiral dues viz. gratuity, leave encashment along with interest @ 18% per annum.

2. The contention of learned counsel for the petitioner is that the petitioner stood retired on 28.04.2017 on attaining the age of superannuation but till date the retiral dues i.e. gratuity and leave encashment have not been released to her. He further submits that neither any departmental inquiry nor any judicial proceeding is pending against the petitioner at the time of retirement. Even, petitioner moved representation dated 07.03.2018 (P-4), 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 the afore-said representation (P-4) within a stipulated period.

3. Accordingly, instant petition is disposed of with a direction to respondent(s) to look into the grievances unfolded by the petitioner in representation dated 07.03.2018 (P-4) 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 release the benefits accrued to the petitioner on her retirement within next 45 days.

4. The respondents are also directed to consider the case of the petitioner for the grant of interest on delayed payment in view of judgment passed by Full Bench of this Court in the case of ***“A.S Randhawa v. State of Punjab and others; 1997 (3) SCT 468*** as well as Punjab Govt. Instructions No.1/15/90IFPIII/4226, dated 10.05.1990.

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

JULY 02, 2018
sonika

(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes/No</i>