

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

Sr. No.132

Civil Writ Petition No.15450 of 2018
DECIDED ON: July 02, 2018

SABU @ SAHAB

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Harchand Singh Batth, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

Petitioner-Sabu @ Sahab preferred instant civil writ petition, under Articles 226/227 of the Constitution of India, seeking issuance of a writ in the nature of Mandamus directing the respondents to release the retiral benefits including Gratuity, Leave Encashment, Provident Fund etc. i.e. total Rs.6,42,022/- arising out of the retirement upon superannuation as Sweeper with respondent No.4 along with interest @ 12% per annum from the due date i.e. 31.03.2014.

2. Learned counsel for the petitioner contends that though some of the benefits have been released to the petitioner at the time of his retirement but remaining benefits have not been received so far. Neither any judicial or departmental proceedings are pending against the petitioner. Petitioner served various representations including latest legal notice dated 24.01.2018 (P-2) were made to the respondents but till date no final decision has been

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taken by the respondents. He also submits that petitioner feels satisfied in case a direction is issued to respondents to decide the aforesaid legal notice (P-2) in a time bound manner.

3. Instant petition is disposed of with a direction to respondents to look into the grievances unfolded by the petitioner in the legal notice dated 24.01.2018 (P-2) 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 the law as well as to approach this Court.

July 02, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**