

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

Sr. No.125

Civil Writ Petition No.15830 of 2018
DECIDED ON: July 03, 2018

BALWINDER SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Gurbachan Singh Bhatia, 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 release all retiral benefits including PF, Gratuity, Leave Encashment, Pension etc. along with interest WITH FURTHER direction to decide the legal notice dated 13.04.2018 (P-5).

2. The contention of learned counsel for the petitioner is that petitioner stood retired on 31.03.2015 on attaining the age of superannuation. But except a meagre pension of Rs.4068/-, other benefit were not being released to him on the pretext that some chargesheet was pending against him, in which, petitioner stood exonerated vide order dated 06.11.2017 (P-4). He further contended that even a legal notice dated

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13.04.2018 (P-5) was also served upon the respondent No.2 but till date neither the benefit has been released nor any other action has been taken. He feels satisfied in case a direction is issued to respondent No.2 to decide the aforesaid legal notice (P-5), in a time bound manner.

3. Instant petition is disposed of with a direction to respondent No.2-Managing Director, State Warehousing Corporation, SCO No.74-75, Sector 17-B, Bank Square, Chandigarh to look into the grievances unfolded by the petitioner in the legal notice dated 13.04.2018 (P-5) 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. It is further directed that if there is no impediment, to release the due amounts accrued to petitioner within a period of next one month. Factum of interest be taken into consideration and entertained 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 or inaction on the part of the respondents, he shall be at liberty to have recourse to other remedies available under law as well as to approach this Court.

July 03, 2018

Ankur

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**

**(JASPAL SINGH)
JUDGE**