

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.16159 OF 2018
DECIDED ON: JULY 06, 2018

JAGDISH LAL MAKKAR

.....PETITIONER

VERSUS

SECRETARY EDUCATION, CIVIL
SECRETARIAT AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Priyanshu Kamra, 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 in the nature of mandamus directing the respondents to release retiral cum service benefits along with interest for delayed period.

2. The contention of learned counsel for the petitioner is that the petitioner stood retired on 30.11.2016 on attaining the age of superannuation but till date the retiral cum service benefits have not been released to him. 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 16.10.2017 (P-1) as well as served legal notice dated 05.12.2017 (P-2), 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 respondent No.2 to consider and decide legal notice (P-2) within a stipulated period.

3. Accordingly, instant petition is disposed of with a direction to respondent No.2-DPI (Secondary Education), Punjab, PSEB Complex, Phase 8, SAS Nagar Mohali to consider the case unfolded by the petitioner in legal notice (P-2) and to decide the same within a period of three months from the date of receipt of certified copy of this order. In case, the concerned authority comes to the conclusion that petitioner is entitled to the relief claimed, to release the benefits accrued to the petitioner on his retirement within a period of 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 the light of 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, he shall be at liberty to approach this Court or to have recourse to the other remedies available under law.

JULY 06, 2018
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(JASPAL SINGH)
JUDGE

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