

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

Sr. No.146

Civil Writ Petition No.16392 of 2018
DECIDED ON: July 09, 2018

BALDEV SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Amrik Singh, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

By virtue of the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of Mandamus directing the respondents to release the retiral benefits which includes Gratuity, Arrears of Pension, arrears of regular increments and ACP accrued to him while in service which has not been paid to him inspite of his retirement on 30.11.2014, along with interest @ 18% per annum from the date of its accrual/retirement till actual realization of the same.

2. The contention of learned counsel for the petitioner is that petitioner stood retired on 30.11.2014 on attaining the age of superannuation. However, at the time of his retirement a charge sheet was pending against him but that stood closed by the respondents vide order dated 07.01.2016 (P-1). Even after the closure of the aforesaid chargesheet,

Civil Writ Petition No.16392 of 2018

retiral benefits were not released to him till date. He further contends that he feels satisfied in case a direction is issued to respondents to decide the legal notice dated 18.04.2018 (P-4) in a time bound manner.

3. Instant petition is disposed of with a direction to the respondents to consider the grievances unfolded by the petitioner in the legal notice dated 18.04.2018 (P-4) and to take a conscious decision by passing a speaking order considering all the facts narrated in the aforesaid legal notice (P-4) 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 remedies available under law as well as to approach this Court.

July 09, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**