

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

**CWP No.23916 OF 2014
DECIDED ON: MAY 10, 2018**

R.S. SAXENA

.....PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sanjiv Gupta, Advocate,
for the petitioner.

JASPAL SINGH, J.

By virtue of 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 pay interest on delayed retiral benefits and also to pay arrears of ACP scale from 01.01.1996 to 11.05.2010 along with all consequential benefits .

2. In response to the notice of motion issued by this Court, respondents appeared and filed written statement.

3. During the pendency of instant petition, vide order dated September 26, 2017, at the request of learned State counsel, petitioner was advised to approach the concerned Superintending Engineer to get the amounts which have been paid or are still to be paid reconciled, in pursuance of which, petitioner approached aforesaid office and the matter was reconciled. Though, the amount accrued to the petitioner on account of death-cum-retirement

gratuity (for short, “DCRG”), leave encashment and pension have already been disbursed to the petitioner yet the interest on the commutation of pension as well as ACP scale w.e.f. 01.01.1996 till 11.05.2010 has been declined vide communication dated 02.11.2017, which was subsequently addressed to the Superintending Engineer, Public Health Engineering Circle, Jind vide memo No.7023 dated 07.11.2017 and conveyed to the petitioner. Thus, the major relief with regard to grant of DCRG, leave encashment and pension has already been granted and satisfied. As such, instant petition qua aforesaid relief has rendered infructuous whereas rejection of claim of the petitioner in respect of interest on commutation of pension as well as ACP scale is required to be challenged by way of filing of separate writ petition, if he is aggrieved of the same.

4. In the light of afore-narrated facts and circumstances, instant petition is disposed of partly having become infructuous in respect of DCRG, leave encashment and pension. However, the petitioner shall be at liberty to challenge communication with regard to rejection of grant of interest on commutation of pension as well as ACP scale by way of filing writ petition or to have recourse to the other remedies available under law.

5. No order as to costs.

MAY 10, 2018
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(JASPAL SINGH)
JUDGE

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