

CWP No. 23047 of 2016

DECIDED ON: JANUARY 23, 2018

KASHMIR SINGH AND ORS

.....PETITIONER

VERSUS

FINANCIAL COMMISSIONER DEVELOPMENT AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sanjeev Kumar Arora, Advocate
for the petitioners.

Ms. Deepali Puri, Addl. AG, Punjab.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226 of the Constitution of India petitioners have sought a writ in the nature of mandamus directing the respondents to re-fix the DCRG and leave encashment due to the petitioners and to release the same along-with arrears of pension and interest thereon, @ 12% per annum.

2. At the very outset of arguments, it has been emerged that though the pension of the petitioners has been re-fixed. Yet the arrears of pension have not so far been released to the petitioners. As far as DCRG and leave encashment is concerned the matter is stated to be in under active consideration of the respondents as has been reflected in the reply dated February 23, 2017 but till date the matter has not been finalized.

3. At this juncture, learned counsel for the petitioners submits that he feels satisfied in case a direction is issued to respondents to decide the matter within a time bound manner.

4. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondents to consider the case of the petitioners, which is already stated to be pending before the authorities concerned and to take a conscious decision within a period of two months from the date of receipt of certified copy of this order. In case the authorities come to the conclusion that petitioners are entitled to the relief(s) claimed by them, to release the same within next 30 days. However, respondents are also directed to also consider the interest on the delayed payment(s) in view of judgment passed by Full Bench of this Court in the case of **A.S. Randhawa vs. State of Punjab & others, 1997 (3) SCT 468..**

5. In case the claim of the petitioners do not find favour with respondents then respondents are directed to pass a speaking order and in that event, petitioners are at liberty to approach this Court.

JANUARY 23, 2018
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(JASPAL SINGH)
JUDGE

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