

CWP No. 17907 of 2018
DECIDED ON: AUGUST 08, 2018

AJAIB SINGH

.....PETITIONER

VERSUS

PEPSU ROAD TRANSPORT CORPORATION

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Jatinder Jit Kaur, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 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 due benefits in view of law laid down by this Court in CWP No. 26520 of 2014, Kulbir Singh Vs. Pepsu Road Transport Corporation and another, decided on 23.07.2017 (P-3) as well as in CWP No. 15306 of 2016, Hari Ram and others vs. Pepsu Road Transport Corporation, decided on 04.09.2017 (P-4), wherein direction was issued to release pensionary benefits along-with interest @9%.

2. Learned counsel for the petitioner has submitted that petitioner stood retired on attaining the age of superannuation on 31.03.2016. Though some of the dues have been paid to the petitioner but after a considerable delay, that too without interest. She further submits that neither any departmental inquiry nor any judicial proceeding is/was pending against the petitioner either

at the time of his retirement or at present. Petitioner constrained to serve legal notice dated 20.02.2018 (P-2) but till date neither any reply to the said notice has been received nor any conscious decision has been taken. At this juncture, learned counsel for the petitioner submits that petitioner feels satisfied in case a direction is issued to respondents to consider and decide the afore-said legal notice (P-2) within a stipulated period.

3. Accordingly, instant petition is disposed of with a direction to respondents to look into the grievances unfolded by the petitioner in the legal notice dated 20.02.2018 (P-2) and to decide the same in accordance with law as well as in view of judgments referred to in para 1 of this order, within a period of three months from the date of receipt of certified copy of this order. If there is no impediment in granting the retiral benefits, to calculate and release the same within a period of next 45 days.

4. However, respondents are also directed to consider the case of the petitioner for the grant of interest in view of judgment passed by Full Bench of this Court in the case of *"A.S Randhawa v. State of Punjab and others; 1997 (3) SCT 468* as well as 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 have recourse to other remedies available under law as well as to approach this Court.

AUGUST 08, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable Yes/No