

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.23892 OF 2016
DECIDED ON: AUGUST 13, 2018

TARA CHAND DHIMAN

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Hardeep Singh Dhillon, Advocate for
Mr. Vikram Singh, Advocate,
for the petitioner.

Mr. Harish Nain, AAG, Haryana.

Mr. Sunil Kumar Sharma, Advocate,
for respondents No.2 and 3.

JASPAL SINGH, J. (Oral)

By virtue of 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 pay 18% interest on delayed payment of retiral benefits and to direct the respondents to decide legal notice dated 05.01.2016 (P-1) got served by the petitioner upon the respondents within some specified time.

2. At the very outset of the arguments, it has emerged that though legal notice dated 05.01.2016 (P-1) was served upon the respondents by the petitioner prior to the filing of instant petition but till date no conscious decision has been taken thereon. In fact, in the written statement to the writ petition filed by

respondents No.2 and 3, it has emerged that some departmental inquiry was pending against the petitioner on account of which some delay has occurred in payment of the retiral benefits to the petitioner.

3. At this juncture, learned counsel for the parties are ad idem that instant petition can be disposed of by giving direction to respondents No.2 and 3 to consider the legal notice and take a conscious decision thereon within some specified period.

4. In the light of aforesaid facts and circumstances but without expressing any opinion on the merits of the case, instant petition is disposed of with the direction to respondents No.2 and 3 to consider the claim put forth by the petitioner in his legal notice dated 05.01.2016 (P-1) and take a conscious decision, within a period of three months from the date of receipt of certified copy of this order. Since, the relief claimed by the petitioner through legal notice is with regard to the interest on delayed payment, the matter shall be considered in the light of instructions issued by Govt. of Haryana No.1/2(152)01-2FRII, dated 20.02.2002.

5. However, if petitioner still feels aggrieved against any order passed by the aforesaid authority, he shall be at liberty to have recourse to the other remedies available under law as well as to approach this Court.

AUGUST 13, 2018

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Whether speaking/reasoned* *Yes/No

Whether reportable* *Yes/No

(JASPAL SINGH)
JUDGE