

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.18713 OF 2018
DECIDED ON: JULY 31, 2018

RAM KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. R.S. Mamli, Advocate,
for the petitioner.

JASPAL SINGH, J.(Oral)

Through instant petition, preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ of certiorari or mandamus directing the respondents to grant the benefit of daily wage service from the year 1988-1996 towards pension and others benefits and further to release the entire retiral benefits i.e. pension, gratuity, provident fund, leave encashment and all other benefits with interest @18% per annum.

2. Learned counsel for the petitioner submits that despite the fact that neither any departmental nor any judicial proceeding was/is pending against the petitioner at the time of his retirement or at present, who stood retired on 28.02.2015, retiral benefits have not been released to him till date. Even respondents are also not taking any interest in granting the benefit of daily wage service earlier rendered by the petitioner for the period 1998-1996. Petitioner

also moved representation dated 06.07.2018 (P-2) to the respondents but till date no conscious decision has been taken. He further submits that petitioner feels satisfied in case direction is issued to respondent(s) to decide representation (P-2), within a stipulated period.

3. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondent(s) to consider the claim of the petitioner as set up in the representation (P-2) and take a conscious decision on daily wage service rendered by the petitioner towards pension and other benefits and to release all the retiral benefits i.e. pension, gratuity, provident fund, leave encashment etc., within a period of three months from the date of receipt of certified copy of this order. In case, the concerned authorities come to the conclusion that petitioner is entitled to the relief claimed through representation, to release the same within a period of next 45 days.

4. As far as grant of interest on delayed payment is concerned that shall also be considered in view of the observations made by Full Bench of this Court in case captioned as “*R.S. Randhawa vs. State of Punjab, 1997 (3) RSJ 318* as well as Govt. of Haryana Instructions No.1/2(152)01-2FRII, dated 20.02.2002.

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

JULY 31, 2018

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***Whether speaking/reasoned* Yes**

***Whether reportable* Yes/No**

(JASPAL SINGH)

JUDGE