

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.19427 OF 2018
DECIDED ON: AUGUST 06, 2018

PAWAN KUMAR GUPTA

.....PETITIONER..

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Rajinder Singla, Advocate,
for the petitioner.

JASPAL SINGH, J.

By virtue of instant petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus directing the respondents to disburse pensionary/retiral dues i.e. gratuity, earned leave fund on account of his superannuation from service w.e.f. 30.04.2017 along with interest.

2. The contention of learned counsel for the petitioner is that the petitioner stood retired on 30.04.2017 on attaining the age of superannuation but till date the retiral benefits i.e. gratuity and leave encashment have not been released to him. He further submits that neither any departmental nor any judicial proceeding is pending against the petitioner, at the time of retirement or at present. Aggrieved against the inaction of the respondent, petitioner was constrained to move representation dated 23.02.2018 (P-8) but till date no

decision has been taken by the respondents.

3. Learned counsel for the petitioner submits that he feels satisfied in case a direction is issued to respondents to decide the representation (P-8), within some 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 look into the grievances unfolded by the petitioner in representation (P-8) and to take a conscious decision in accordance with law, rules and regulations as well as instructions issued by government from time to time, within a period of three months from the date of receipt of certified copy of this order. In case the concerned authority comes to the conclusion that petitioner is entitled to the relief claimed through representation and there is no impediment, to release the same within a period of next 30 days.

5. The claim with regard to interest on delayed payment(s) shall also be considered in view of the observations made by Full Bench of this Court in case captioned as “*A.S. Randhawa v. State of Punjab*”, 1997 (3) RSJ 318 as well as instructions dated May 10, 1990 issued by Department of Finance, Government of Punjab.

6. However, in case petitioner still feels aggrieved by any of the order passed by the concerned authority, he shall be at liberty to have recourse to the other remedies available to him under law including to approach this Court.

AUGUST 06, 2018

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Whether speaking/reasoned Yes

Whether reportable Yes/No

(JASPAL SINGH)

JUDGE