

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.112

Civil Writ Petition No.20070 of 2018
DECIDED ON: September 21, 2018

KHUSHDIP SINGH @ MAJOR

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. B.S. Baath, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

Through the instant civil writ petition, preferred under Articles 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 the retiral benefits, which had not been released to his father Late Sh. Jagir Singh during his life time, these are Leave Encashment, CPF, arrear of Gratuity and pay from April 2002 to June 2008 as well as arrears of pension, which are withheld by the respondents without any reason along with interest @ 12% p.a.

2. Learned counsel for the petitioner contends that though a legal notice was made to the respondents on 16.04.2018 (P-2) but till date neither any reply to the said notice has been received nor any final order has been passed by the concerned Department. He further submits that he feels satisfied in case a direction is issued to respondents to decide the above said legal notice (P-2), within some specified period.

Civil Writ Petition No.20070 of 2018

3. 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 the legal notice dated 16.04.2018 (P-2) and to take a conscious decision by passing a speaking order, within a period of two months from the date of receipt of a certified copy of this order. In case, competent authorities comes to the conclusion that petitioner is entitled to the relief(s) claimed, same be released to him within a period of next 45 days. Factum of interest in view of judgment passed by Full Bench of this Court in case ***A.S. Randhawa vs. State of Punjab & Ors., 1997 (3) SCT 468*** as well as judgment passed by this Court in CWP No.8772 of 2015 captioned as ***Charan Dass vs. State of Punjab & Ors.*** decided on July 11, 2017 and Instructions No.1/15/90IFPIII/4226 dated 10.05.1990 issued by the Government of Punjab, be also considered on delayed payment(s).

4. However, if petitioner still feels aggrieved by any of the orders 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.

September 21, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**