

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

Sr. No.125

Civil Writ Petition No.2043 of 2018
DECIDED ON: January 30, 2018

MOHAN LAL

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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

JASPAL SINGH, J. (ORAL)

By virtue of the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ especially in the nature of Mandamus directing the respondents to release pension and the amount of pensionary benefits i.e. gratuity, leave encashment etc. which has been withheld by the respondent-department on his superannuation along with interest @ 18% per annum.

2. The contention of learned counsel for the petitioner is that neither any disciplinary proceeding nor any judicial proceeding is pending against the petitioner. Learned counsel for the petitioner further submits that he feels satisfied in case a direction is issued to respondent No.4 to deal with and dispose of the legal notice dated September 12, 2017 (P-2) within some specified period.

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3. Instant petition is disposed of with a direction to respondent No.4 to look into the grievances unfolded by the petitioner in the above said legal notice (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 come to the conclusion that petitioner is entitled to the relief(s) claimed, same be released to him within a period of next one month. At the time of disbursement of the said amount, respondent No.4 shall also be oblized to consider the grant of interest on the delayed payments in the light 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.

4. However, if petitioner still feels aggrieved by any of the order(s) passed by the aforesaid authority, he shall be at liberty to approach this Court.

January 30, 2018
Ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No