

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

Sr. No.119

Civil Writ Petition No.20924 of 2018
DECIDED ON: August 21, 2018

GULBINDER SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Gurjinder Singh Chahal, 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 issuance of a writ in the nature of mandamus directing the respondents to pay the interest on the delayed payment of Gratuity and General Provident Fund and to release the payment of principal amount on account of commutation of pension, which was due for payment on 01.08.2017 along with interest @ 18% p.a.

2. The contention of learned counsel for the petitioner is that neither any departmental nor any judicial enquiry is pending against the petitioner. The petitioner has not been released the entire retiral benefits, that too, after an inordinate delay regarding which no interest has been paid. Even till date the commutation of pension has not been paid by the respondents. Learned counsel for the petitioner further contends that petitioner feels satisfied in case a direction is issued to respondents to release/disbursal of commutation amount accrued to the petitioner on

Civil Writ Petition No.20924 of 2018

account of commutation of pension as well as grant of interest on the delayed payment(s) in the light of the judgment ***A.S. Randhawa vs. State of Punjab & Ors., 1997 (3) SCT 468*** as well as Instructions No.1/15/90IFPIII/4226 dated 10.05.1990 issued by the Government of Punjab, within some specified period.

3. Taking into consideration the aforesaid aspects of the case, instant petition is disposed of with a direction to respondents to consider the grievances unfolded by the petitioner in the legal notice dated 24.05.2018 (P-1) and 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 30 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 order(s) of the afore-said authority, he shall be at liberty to have recourse to the other remedies available under law as well as to approach this Court.

August 21, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**