

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

Sr. No.124

**Civil Writ Petition No.21022 of 2018**  
**DECIDED ON: August 21, 2018**

**RAJINDER KUMAR**

**..PETITIONER**

**VERSUS**

**STATE OF PUNJAB AND OTHERS**

**...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE JASPAL SINGH**

Present: Mr. Rajeev Dev Sharma, Advocate, for the petitioner.

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**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 pay his retiral benefits such as Leave Encashment, Gratuity and General Provident Fund along with arrears WITH FURTHER direction to grant interest on the delayed payments of all pensionary benefits and other arrears from the date when it became due, till its realization in view of Full Bench judgment of this Court in *A.S. Randhawa vs. State of Punjab & ors. 1997 (3) SCT 468*.

2. Learned counsel for the petitioner contends that though representation dated 16.06.2018 (P-2) was made to the respondents but till date no final decision has been taken. He further contends that petitioner feels satisfied in case a direction is issued to respondent No.4 to decide the aforesaid representation, within some specified period.

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3. Taking into consideration the aforesaid aspects of the case, instant petition is disposed of with a direction to respondent No.4 – The Commissioner, Municipal Corporation, Pathankot, District Pathankot to consider the grievances unfolded by the petitioner in the representation dated 16.06.2018 (P-2) 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. If there is no impediment to release the retiral benefits accrued to the petitioner, 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**