

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

**CWP No. 216 OF 2018
DECIDED ON: JANUARY 10, 2018**

GULSHAN KUMAR

....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Puneet Kumar Bansal, Advocate,
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226 of the Constitution of India, petitioner has sought issuance of a writ in the nature mandamus, directing the respondents to release gratuity, leave encashment, provident fund and pension etc. along with interest @ 18% per annum from the day it became due till its actual payment.

2. The contention of learned counsel for the petitioner is that the petitioner stood retired on attaining the age of superannuation on 30.09.2017 as Junior Assistant but till date no payment on account of retiral benefit has been made despite the fact that there is no disciplinary/criminal proceedings etc. pending against the petitioner. Even, legal notice dated 12.12.2017 (Annexure P-2 has also duly served upon the respondents but it did not fetch any reply nor benefits have been released to the petitioner. He further submits that petitioner feels satisfied in case direction is issued to respondent(s) to decide aforesaid

legal notice, within a stipulated period.

3. Accordingly, the instant petition is disposed of with the direction to respondent No.3-Executive Officer, Municipal Council, Ferozepur City to consider the case of the petitioner unfolded in his legal notice dated 12.12.2017 (Annexure P-2) within a period of three months from the date of receipt of certified copy of this order. If there is no impediment in the grant of benefits to the petitioner accrued on account of retirement, to release the same within next one month.

4. As far as grant of interest on delayed payment is concerned that shall also be considered in view of the observations made by Full Bench of this Court in case captioned as “*R.S. Randhawa vs. State of Punjab, 1997 (3) RSJ 318*” as well as Punjab Govt. Instructions No.1/15/90IFPIII/4226, dated 10.05.1990.

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

JANUARY 10, 2018
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes/No</i>