

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

Sr. No.130

Civil Writ Petition No.23875 of 2018
DECIDED ON: September 18, 2018

ASHOK 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.

JASPAL SINGH, J. (ORAL)

By virtue of the instant petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought an issuance of a writ especially in the nature of mandamus directing the respondents to pay his complete retiral benefits such as Leave Encashment, Death-cum-Retirement Gratuity (DCRG) and pension with complete arrears along with interest on the delayed payments.

2. Learned counsel for the petitioner contends that petitioner stood retired on 31.12.2017 as Auto Electrician. Neither any judicial proceeding nor any departmental inquiry is pending against the petitioner. The petitioner being aggrieved of the non-disbursal of retiral benefits, was constrained to serve a representation upon the respondents on 11.04.2018

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(P-2), but till date no response has been received. He further submits that he feels satisfied in case a direction is issued to the respondent No.4 to decide the above said representation (P-2), within some specified period.

3. Instant petition is disposed of with a direction to respondent No.4 – Chief Engineer, BSL, Circle No.2, Bhakra Beas Management Board, Sundernagar (HP) to look into the grievances unfolded by the petitioner in the representation dated 11.04.2018 (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, in case petitioner still feels aggrieved by any order of the afore-said authorities, he shall be at liberty to have recourse to the other remedies available under law as well as to approach this Court.

September 18, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**