

CWP No. 23902 of 2018
DECIDED ON: SEPTEMBER 19, 2018

.....PETITIONER

VERSUS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Rishabh Gupta, Advocate
for the petitioner.

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 fix his salary on the post of Deputy Superintendent Jail Grade-II and to release all the retiral benefits accrued to him on account of his retirement along-with interest @18% per annum.

2. The contention of learned counsel for the petitioner is that the petitioner stood retired on attaining the age of superannuation on 31.01.2018 but till date nothing has been paid to him. Petitioner constrained to serve legal notice dated 28.07.2018 (P-3) upon the respondents but it also did not fetch any response. At this juncture, learned counsel for the petitioner has submitted that petitioner would be satisfied in case a direction is issued to respondent No.2 to decide the afore-said legal notice dated 28.07.2018 (P-3) in a time bound

manner.

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3. Instant petition is disposed of with a direction to respondent No.2 to look into the grievances unfolded by the petitioner in the legal notice dated 28.07.2018 (P-3) and to take a conscious decision by passing a speaking order considering all the facts narrated in the aforesaid legal notice within a period of three months from the date of receipt of a certified copy of this order. In case, competent authority comes to the conclusion that petitioner is entitled to the relief(s) claimed through the instant petition, same be released to him if there is no impediment legal or otherwise, 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, be also considered on delayed payment(s).

4. However, if petitioner still feels aggrieved by any of the orders passed by the aforesaid authority, he shall be at liberty to have recourse to other remedies available under the law including to approach this Court.

SEPTEMBER 19, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned ***Yes/No***

Whether reportable ***Yes/No***