

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.118

Civil Writ Petition No.24942 of 2018
DECIDED ON: September 28, 2018

GANESH KUMAR BANSAL

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Krishan Singh Dadwal, 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 an issuance of a writ in the nature of Mandamus directing the respondents to make the payment of gratuity and leave encashment along with interest @ 18% p.a. on the delayed payment of retiral benefits, in view of judgment dated 14.08.2013 (P-3) passed by the Hon'ble Apex Court in Civil Appeal No.6770 of 2013 captioned as *State of Jharkhand & ors. vs. Jitendra Kumar Srivastava & anr.*

2. Learned counsel for the petitioner contends that though representation dated 14.10.2015 (P-2) followed by representation dated 04.07.2018 (P-4) were made to the respondents but till date no action has

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been taken. He further submits that he feels satisfied in case a direction is issued to respondents to decide the representation dated 04.07.2018 (P-4) in the light of the judgment (P-3), within some specified period.

3. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondents to consider the grievances unfolded by the petitioner in the representation dated 04.07.2018 (P-4) and to take a conscious decision by passing a speaking order in the light of the judgment referred to above in para no.1 of this order, within a period of three 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, if petitioner still feels aggrieved by any of the orders passed by the aforesaid authority, he shall be at liberty to have recourse to the other remedies available under law as well as to approach this Court.

September 28, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**