

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

Sr. No.144

Civil Writ Petition No.25089 of 2018
DECIDED ON: September 28, 2018

ONKAR SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Raman Goklaney, 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 official respondents to release the full and final retiral benefits such as Gratuity and Leave Encashment as raised in Legal Notice dated 18.07.2018 (P-2) payable to him on his retirement from the services of respondent No.5 on 31.03.2018 along with interest.

2. Learned counsel for the petitioner contends that petitioner stood retired as Junior Assistant on 31.03.2018. Neither any judicial proceeding nor any departmental enquiry is pending against him at the time of his retirement or subsequent thereto. The petitioner being aggrieved of

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the non-disbursal of the aforesaid benefits, was constrained to serve a legal notice upon the respondents on 18.07.2018 (P-2), but till date no response has been received. He further submits that he feels satisfied in case a direction is issued to respondent No.4 to decide the above said legal notice (P-2), within some specified period.

3. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondent No.4 – Executive Officer, Municipal Council, Rahon, Tehsil Nawanshahr, District S.B.S. Nagar, to look into the grievances unfolded by the petitioner in the legal notice dated 18.07.2018 (P-2) and to take a conscious decision by passing a speaking 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

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**

**(JASPAL SINGH)
JUDGE**