

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

**CWP No.7294 OF 2015
DECIDED ON: MARCH 08, 2018**

MANMOHAN SINGH SIKAND

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Parveen Dahiya, Advocate for
Mr. Manu K. Bhandari, Advocate,
for the petitioner.

Ms. Deepali Puri, Additional Advocate General, Punjab.

Mr. V.K. Kaushal, Advocate,
for respondent No.2

JASPAL SINGH, J

Through instant petition preferred under Article 226 of the Constitution of India, petitioner has sought issuance of a writ of mandamus, directing the respondents to grant interest @ 18% per annum on delayed payments made to the petitioner on account of delayed grant of proficiency step up vide order dated 05.08.2011 or in the alternative for issuance of direction to consider and decide the justice demand notice dated 05.01.2015 (Annexure P-14).

2. Though, in response to the notice of motion, reply has already been filed by the contesting respondents but one thing emerges at the initial stage of

arguments that there are some factors which are to be considered for the grant or non-grant of interest by the respondents.

3. Thus, in the facts and circumstances of the case in hand, instant petition can be disposed of by giving direction to respondents No.2 and 3 to consider the claim of the petitioner for the grant of interest on the delayed payment.

4. Accordingly, without expressing any opinion on the merits of the case, instant petition is disposed of with the direction to respondents No. 2 and 3 to consider the claim set up by the petitioner in legal notice dated 05.01.2015 (Annexure P-14) and to take conscious decision, particularly in view *of Punjab Govt. Instructions No.1/15/90IFPIII/4226, dated 10.05.1990* as well as 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*”, within a period of three months from the date of receipt of certified copy of this order. In case the concerned authority comes to the conclusion that petitioner is not entitled to the relief claimed through legal notice, to pass a speaking order by touching each and every aspect unfolded in the aforesaid legal notice and in that event, the petitioner shall be at liberty to have recourse to the other remedies available to him as well as to approach this Court.

MARCH 08, 2018
sonika

(JASPAL SINGH)
JUDGE

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