

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.25917 OF 2018
DECIDED ON: OCTOBER 08, 2018

KARAM CHAND

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Rajeev Dev Sharma, Advocate,
for the petitioner.

JASPAL SINGH, J.

Through instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus, directing the respondents to pay the complete retiral benefits such as leave encashment, gratuity and general provident fund along with arrears. And further to pay interest on the delayed payment of all pensionary benefits and other arrears from the date when the same became due, till its realization in view of Full Bench judgment of this Court passed in *A.S. Randhawa v. State of Punjab and ors., 1997 (3) SCT 468*.

2. Learned counsel for the petitioner contends that the petitioner stood retired on 31.05.2018 as Pump Driver with one year extension in service but till date the complete retiral benefits such as leave encashment, gratuity and GPF along with arrears have not been released to him despite the fact that there is no

departmental inquiry or judicial proceeding pending against the petitioner either at the time of retirement or at present. Even, representation dated 01.08.2018 (Annexure P-2) was moved to the respondents but till date neither any response has been received nor any benefits have been released to the petitioner. He further submits that petitioner feels satisfied in case direction is issued to respondent No.4 to decide aforesaid representation, within a stipulated period.

3. Without expressing any opinion on the merits of the case, instant petition is disposed of with the direction to respondents particularly respondent No.4 to consider the claim of the petitioner put forth by him in representation (P-2) and to take a conscious decision, within a period of two months from the date of receipt of certified copy of this order. If the concerned authority comes to the conclusion that petitioner is entitled to the relief claimed, to make the payment within a period of next 45 days.

4. As far as grant of interest on delayed payment is concerned that shall also be considered in view of *A.S. Randhawa's* case (supra) as well as Punjab Govt. Instructions No.1/15/90IFPIII/4226, dated 10.05.1990.

5. However, in case, the petitioner still feels aggrieved of the order passed by concerned authority, he shall be at liberty to have recourse to the remedies available under law or to approach this Court.

OCTOBER 08, 2018
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(JASPAL SINGH)
JUDGE

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