

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.25925 OF 2018
DECIDED ON: OCTOBER 08, 2018

SARVAN KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ramesh Goyat, 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 respondent No.3 to release arrears of revised retiral benefits i.e. gratuity amounting to Rs.1,01,815/- and leave encashment amounting to Rs.88,240, totalling Rs.1,90,055/- along with 18% interest per annum in terms of the Haryana State Central Cooperative Bank's Staff Service (Common Cadre) Rules 1st amendment Rules, 2018 (P-8)

2. Learned counsel for the petitioner contends that the petitioner stood retired on 31.03.2017 but till date the arrears of revised retiral benefits 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, legal notice dated 05.08.2018 (Annexure P-9) was duly

served upon the respondents but till date no response has been received. He further submits that petitioner feels satisfied in case direction is issued to respondent No.3 to decide aforesaid legal notice, 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.3 to consider the claim of the petitioner put forth by him in legal notice (P-9) 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 Govt. of Haryana Instructions No.1/2(152)01-2FRII, dated 20.02.2002.

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

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