

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.28452 OF 2017
DECIDED ON: SEPTEMBER 17, 2018

SATNAM

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Pawan Kumar Goklaney, Advocate with
Mr. Ashish Goklaney, Advocate,
for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

JASPAL SINGH, J.

Through instant civil writ petition, preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ especially in the nature of mandamus directing the respondents to grant pensionary benefits such as pension, gratuity, leave encashment etc. along with interest @ 18% p.a.

2. Short reply by way of affidavit of Mr. Radesh Kalra, Joint Deputy Director, Local Government, Ferozepur on behalf of respondents No.1 and 2 has been filed in Court today and same is taken on record.

3. Mr. Ankur Sharma, Advocate has appeared and filed vakalatnama as well as reply on behalf of respondent No.3, the same are taken on record.

4. A perusal of replies reveal that pension has already been sanctioned and an amount of Rs.3 lacs, vide cheque No.49288, dated 27.01.2017 and a

sum of Rs.5 lacs vide cheque No.89701, dated 16.05.2018 have been released to the petitioner.

5. Learned counsel for the petitioner submits that though a sum of Rs.8 lacs has been received by the petitioner but has not received all the retiral benefits. At this juncture, learned counsel for the petitioner submits that petitioner feels satisfied in case a direction is issued to respondent No.3 to release the remaining retiral benefits, in a time bound manner.

6. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondent No.3-Executive Officer, Municipal Council, Guruharsahai, District Fazilka to consider the case of petitioner with regard to remaining retiral benefits, within a period of two months from the date of receipt of a certified copy of this order. If, there is no legal impediment, to make the payment within a period of next 45 days.

7. 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 Punjab Govt. Instructions No.1/15/90IFPIII/4226, dated 10.05.1990, be also considered on delayed payment(s).

8. However, if petitioner still feels aggrieved by any of the orders passed by the aforesaid authority concerned, he shall be at liberty to have recourse to the other remedies available under law as well as to approach this Court.

SEPTEMBER 17, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned Yes
Whether reportable Yes/No