

CWP No. 2760 of 2018

DECIDED ON: FEBRUARY 07, 2018

GURMEET KAUR AND ORS.

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Rishabh Gupta, Advocate
for the petitioners.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226 and 227 of the Constitution of India, petitioners have sought a writ in the nature of mandamus directing the respondents to release them the amount of leave encashment, gratuity, ACP benefits as well as 15% arrears of revised grade pay and other admissible allowance along-with interest @18% per annum.

2. The contention of learned counsel for the petitioners is that the petitioners are legal heirs of the deceased employee namely Kuldip Singh who stood retired on attaining the age of superannuation on March 31, 2017.

Despite the fact that a period of approximately 10 months has elapsed the amount of gratuity and leave encashment has not been released/disbursed to

them. In fact, despite that there is no departmental or judicial proceedings pending against the petitioner, the amount of 15% arrears towards revised grade pay has been illegally withheld by the respondents and ACP benefit of 16, 24 and 32 years service has also not been granted to the deceased employee. Petitioners constrained to serve a legal notice dated August 10, 2017 (P-4) upon the respondents but neither any reply to the legal notice has been received nor any conscious decision has been taken so far by the respondents. He further submits that he feels satisfied in case a direction is issued to respondents to consider and decide the afore-said legal notice (P-4) within a time bound manner.

3. In view of afore-said facts and circumstances, instant petition is disposed of with a direction to respondents to look into the grievances unfolded by the petitioner in the legal notice (P-4) and to decide the same in accordance with law, rules and regulations and instructions issued by the Government from time to time within a period of three months from the date of receipt of certified copy of this order. In case the authority comes to the conclusion that petitioner is entitled to the relief so claimed through the legal notice and there is no impediment, to release the same within next 30 days.

4. The claim with regard to interest on delayed payment(s) shall also be considered in view of the observations made by Full Bench of this Court in case captioned as ***“A.S. Randhawa v. State of Punjab”, 1997 (3) RSJ 318*** as well as by this Court in CWP No. 14726 of 2016, titled as Megh Singh vs. Registrar Cooperative Societies, Punjab, Chandigarh and others, decided on February 01, 2018 and also in view of instructions dated May 10, 1990 issued by the Department of Finance, Government of Punjab .

5. However, if the petitioners still feel aggrieved against the order passed by the concerned authority, they shall be at liberty to approach this Court.

FEBRUARY 07, 2018
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(JASPAL SINGH)
JUDGE

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