

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.3232 OF 2018 (O&M)
DECIDED ON: AUGUST 10, 2018

PURAN SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ashok Bhardwaj, Advocate,
for the petitioner.

JASPAL SINGH, J.

CM-11470-CWP-2018

Prayer in this application is for impleading legal representatives of petitioner, who died on 12.02.2018, during the pendency of instant petition.

Heard.

For the reasons mentioned in the application duly supported with an affidavit of Jagpreet Singh, son of petitioner-Puran Singh, application is allowed and legal representatives of petitioner-deceased as depicted in paragraph No.3 of the application, are ordered to be impleaded as party petitioner(s).

Amended memo of parties is taken on record, subject to all just exceptions. Be tagged at appropriate place.

CM stands disposed of.

Main case

Through instant petition preferred under Article 226 of the

Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus directing the respondents to release pension, gratuity, leave encashment, commutation of pension etc. as well as to release the arrears thereof along with interest @ 18% per annum on account of delayed payments. And further to pay subsistence allowance for the suspension period from 03.11.2014 to 31.03.2015.

2. Learned counsel for the petitioner contends that petitioner stood retired on 31.01.2013 on attaining the age of superannuation, thereafter, service of petitioner was extended two times upto 31.01.2015. Despite the fact that a period of more than three years has expired but till date the retiral benefits i.e. pension, gratuity, leave encashment, commutation of pension etc. have not been released to the petitioner. Even after the filing of instant petition, petitioner has been taken away by the nature on 12.02.2018, who is now substituted by his legal heirs.

3. Learned counsel for the petitioner further submits that legal heirs of petitioner feel satisfied in case direction is issued to respondent No.2 to consider and decide representation/application dated 19.09.2017 (P-3) within a stipulated period.

4. Accordingly, instant petition is disposed of with a direction to respondent No.2-Director Public Instructions (Secondary Education), Punjab School Education Board Complex, Mohali to consider the case unfolded in representation/application (P-3) and to take a conscious decision within a period of three months from the date of receipt of certified copy of this order.

5. The respondents are also directed to consider the case of the

petitioner for the grant of interest on delayed payment in the light of Punjab Govt. Instructions No.1/15/90IFPIII/4226, dated 10.05.1990.

6. However, if legal heirs of petitioner still feel aggrieved by any order of the aforesaid authority, they shall be at liberty to approach this Court or to have recourse to the other remedies available under law.

AUGUST 10, 2018

sonika

Whether speaking/reasoned *Yes*

Whether reportable *Yes/No*

(JASPAL SINGH)

JUDGE