

CWP No.3602 of 2018

DECIDED ON: FEBRUARY 16, 2018

GURJANT SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Rahul Jaswal, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226 of the Constitution of India, petitioner has sought a writ in the nature of mandamus directing the respondents to release all the retiral benefits accrued to the petitioner i.e. Regular pension (commuted pension), gratuity and leave encashment along-with interest @12% per annum on the delay payment(s) with further direction to respondents to decide the legal notice dated September 01, 2017 (P-7).

2. The contention of learned counsel for the petitioner is that though at the time of retirement petitioner was involved in two criminal cases i.e. FIR No. 83, dated 14.10.2013, under Sections 420, 409, 465, 467, 468, 471, 120-B registered at Police Station Bareta, District Mansa and FIR No. 30, dated 05.04.2014, under Sections 420 and 409 IPC, registered at Police Station

Khanauri, District Sangrur. But he stood acquitted in case bearing FIR No. 30 dated 05.04.2014 vide order dated 24.03.2017 passed by learned Sub Divisional Judicial Magistrate, Moonak whereas, in another case bearing FIR No. 83, dated 14.10.2013 police submitted cancellation report in the court of learned Judicial Magistrate Ist Class, Budhlada on 14.02.2017 and the same was accepted. Meaning thereby, no judicial proceeding is pending against the petitioner after his acquittal and cancellation of FIR. Subsequent thereto, petitioner represented to the respondents and a legal notice dated 01.09.2017 (P-7) was also served upon the respondents narrating all the afore-said facts and seeking the grant of retiral benefits. In pursuance of the legal notice (P-7) though the amount of GPF and leave encashment have been disbursed to the petitioner but without interest on the delayed payments thereof. Further neither the amount of gratuity has been disbursed nor the pension as well as commuted pension has been fixed and paid.

3. However, at this juncture petitioner feels satisfied in case a direction is issued to respondents to decide the legal notice (P-7), which is still pending disposal with the respondent(s) within some time bound manner.

4. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondent No.1 to look into the grievances unfolded by the petitioner in the legal notice (P-7) and to take a conscious decision. The proceedings which are still pending and lingering on account of correspondence *inter-se* with the offices, be finally concluded within a period of three months from the date of receipt of certified copy of this order and in case the petitioner is found entitled to the benefits claimed through the legal notice (P-7) including interest in the delay payment(s), the same shall be

released within next 45 days. In case the petitioner still feels aggrieved by any order of the afore-said authority, petitioner shall be at liberty to approach this Court.

February 16, 2018
sham

(JASPAL SINGH)
JUDGE

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