

113 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No. 3758 of 2018
DECIDED ON: FEBRUARY 17, 2018**

OM PARKASH

.....PETITIONER

VERSUS

STATE OF HARYANA & ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Shiv Charan Bhola, Advocate,
 for the petitioner.

JASPAL SINGH, J. (ORAL)

1. By virtue of the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of Mandamus directing the respondents to release gratuity, provident fund, leave encashment, GIS, ACP etc and all other benefits to him along-with interest @18% per annum with further direction to decide the legal notice dated December 15, 2017 (P-2) within some stipulated period.
2. The contention of learned counsel for the petitioner is that the petitioner stood retired in the month of September 2014 on attaining the age of superannuation but till date retiral benefits have not been released to him.

However, prior to the date of retirement, petitioner preferred a writ petition bearing CWP No. 25638 of 2014 seeking extension in his service on the ground that he belongs to handicapped category but it has since been admitted by this Court vide order dated October 24, 2017. However, there was no stay of any kind in the said petition. He further submits that when the retiral dues were not paid to the petitioner, he was constrained to serve a legal notice dated December 15, 2017 (P-2) but it has also not been responded 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 within a time bound manner.

3. In view of the submission made by learned counsel for the petitioner and the nature of order going to be passed in this petition for the disposal thereof, notice of motion is dispensed with and instant petition is disposed of with a direction to respondents to look into the grievances unfolded by the petitioner in legal notice (Annexure P-2) and to take a conscious decision within a period of two months from the date of receipt of a certified copy of this order. In case, competent authority comes to the conclusion that petitioner is entitled to the relief(s) claimed and there is no impediment, the same be released to him within a period of next 45 days. The grant 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 judgment passed by this Court in CWP No.8772 of 2015 captioned as ***Charan Dass vs. State of Punjab & Ors.*** decided on July 11, 2017 and instructions No. 1/2(152) 01-2 DR-II dated 20.02.2011 issued by the Government of Haryana, shall also be considered on delayed payment(s).

4. However, if petitioner still feels aggrieved by any of the orders passed by the aforesaid authority, he shall be at liberty to approach this Court.

February 17, 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>