

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

**CWP No.4005 OF 2018
DECIDED ON: FEBRUARY 20, 2018**

VIJAY KUMAR GUPTA

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Mohd Yousaf, Advocate for
Mr. Rajeev Dev Sharma, Advocate,
for the petitioner.

JASPAL SINGH, J

Through instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus, directing the respondents to pay the complete retiral benefits such as gratuity, leave encashment, provident funds and pension along with arrears as well as interest @ 18% p.a. on delayed payment.

2. The contention of learned counsel for the petitioner is that the petitioner retired from service on 31.10.2017 as Inspector on attaining the age of superannuation. Though, some of the retiral benefits have been paid but payment on account of gratuity, leave encashment, provident funds and pension along with its arrears has not so far been paid. Ultimately, petitioner was constrained to move representation dated 12.01.2018 (Annexure P-2) to the respondent(s) but neither it fetch any reply nor payment has been made till date.

Learned counsel for the petitioner submits that petitioner feels satisfied in case direction is issued to respondent No.4 to decide aforesaid representation, within a stipulated period.

3. Without expressing any opinion on the merits of the case, the instant petition is disposed of with the direction to respondent No.4- Commissioner, Municipal Corporation, Pathankot, District Pathankot to look into the grievances unfolded by the petitioner in representation dated 12.01.2018 (Annexure P-2) and to take a conscious decision, in accordance with law, within a period of 3 months from the date of receipt of certified copy of this order. In case, the concerned authority comes to the conclusion that petitioner is entitled to the relief claimed and there is no legal impediment, to calculate and disburse the same within a period of next 45 days.

4. However, if the petitioner still feels aggrieved against any of the order(s) passed by the concerned authority, he shall be at liberty to have recourse to the other remedies available to him as well as to approach this Court.

FEBRUARY 20, 2018
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(JASPAL SINGH)
JUDGE

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