

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

Sr. No.112

Civil Writ Petition No.4492 of 2018
DECIDED ON: February 26, 2018

RAJINDER SINGH

..PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Narinder Singh Behgal, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

Through 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 grant interest @ 18% per annum on the delayed payment of the retiral benefits of the petitioner and also grant him the benefit of 1st, 2nd and 3rd ACP and by counting the same refix the pension and pensionary benefits and also release the arrears with interest @ 18% per annum.

2. The contention of learned counsel for the petitioner is that petitioner stood retired on April 30, 2011 on attaining the age of superannuation and on the date of his retirement, retiral benefits were not released to him and the same was released after an inordinate delay without any reason.

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3. Learned counsel for the petitioner contends that though a legal notice was made to the respondents on December 20, 2017 (P-3) but till date neither any reply to the said legal notice has been received nor any final order has been passed by the respondents. Learned counsel for the petitioner further submits that he feels satisfied in case a direction is issued to respondents No.2 & 3 to decide the aforesaid legal notice (P-3) in a time bound manner.

4. Instant petition is disposed of with a direction to respondents No.2 & 3 to look into the grievances unfolded by the petitioner in the aforesaid legal notice dated December 20, 2017 (P-3) and to take a conscious decision by passing a speaking order considering all the facts narrated in the aforesaid legal notice, within a period of three months from the date of receipt of a certified copy of this order. In case, competent authorities comes to the conclusion that petitioner is entitled to the relief(s) claimed, same be released to him within a period of next 45 days. Factum 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 FR II dated 20.02.2002 issued by the Government of Haryana, be also considered on delayed payment(s). In case, non compliance of this order, petitioner shall be at liberty to approach this Court.

February 26, 2018

Ankur

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**

**(JASPAL SINGH)
JUDGE**