

CWP No. 4835 of 2018

DECIDED ON: FEBRUARY 28, 2018

RAM ABHILAKH

.....PETITIONER

VERSUS

MUNICIPAL CORPORATION CHANDIGARH & ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Moushmi Mittal, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought a writ in the nature of mandamus directing the respondents to disburse the admissible pension and all other pensionary benefits along-with all other consequential retiral benefits with interest @18% per annum.

2. The contention of learned counsel for the petitioner is that petitioner stood retired on attaining the age of superannuation on May 31, 2017. Initially, he was appointed by the Chandigarh Administration in the year 1978 on daily wages. Subsequently, vide order dated May 03, 1984 (P-2) the services of the petitioner were regularized and he was posted as regular Mali. Thereafter, his services were placed at the disposal of Municipal Corporation, Chandigarh in the month of May 1996 and since then he regularly served/worked with the Municipal Corporation, Chandigarh till the date of his retirement i.e. May 31,

2017. On his retirement, he has not been disbursed with any sort of retiral benefit, despite the fact that a period of approximately nine months are going to elapse. Ultimately, petitioner was constrained to serve a legal notice dated January 23, 2018 (P-5) upon the authorities concerned. Vide memo No. 675, dated February 15, 2018 (P-6), the Executive Engineer, Horticulture Division No.2, Chandigarh has sent the reply to the legal notice submitting that since the petitioner stood retired on May 31, 2017 while working in Municipal Corporation, Chandigarh, the matter is to be dealt with by Municipal Corporation, Chandigarh and copy of that letter has also been sent to the Superintending Engineer, Const. Circle-II, UT Chandigarh for information and necessary action. Even, subsequent thereto, nothing material has been done by the Municipal Corporation, Chandigarh.

3. At this juncture, learned counsel for the petitioner submits that he feels satisfied in case a direction is issued to respondent No.1 to consider the case of the petitioner and disburse the benefits accrued to him on account of his retirement.

4. In the light of afore-said facts and circumstances but without expressing any opinion on the merits of the case, the 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-5) and to take a conscious decision within a period of two months from the date of receipt of certified copy of this order. In case respondent No.1 comes to the conclusion that petitioner is entitled to the relief set out in the legal notice (P-5), to calculate the same and to ensure the disbursement thereof, within next 45 days.

5. The factum of interest shall also be considered 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 also in view of instructions bearing No. 1/15/90-IFPIII/4226, dated May 10, 1990 issued by the Department of Finance, Government of Punjab.

6. In case the petitioner still feels aggrieved, he shall be at liberty to have recourse to the other remedies available under law including to approach this Court.

February 28, 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>