

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

Sr. No.116

Civil Writ Petition No.5856 of 2018
DECIDED ON: March 12, 2018

RAJINDER SINGH DHANDA

..PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. A.D.S. Jattana, 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 re-fix the pay of the petitioner from 01.04.2004 till his retirement on dated 31.10.2007 after giving benefit of the annual increments and also the 6th Pay Commission from 01.01.2006 as per the calculations (P-7), and thereafter to re-fix the pension, gratuity, leave encashment, with further prayer for direction to release all arrears of pay & retiral benefits along with interest 18% per annum.

2. The contention of learned counsel for the petitioner is that earlier chargesheet dated 12.05.2000 and order dated 20.05.2009 were challenged by the petitioner in CWP No.13459 of 2009, same were quashed

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vide order dated 10.08.2017. Subsequent thereto, a representation dated 31.08.2017 (P-2) was made by the petitioner for release of the retiral benefits, but till date no substantive action has been taken. He further submits that he feels satisfied in case a direction is issued to respondents to decide the aforesaid representation dated 31.08.2017 (P-2) in a time bound manner.

3. Instant petition is disposed of with a direction to respondents to look into the grievances unfolded by the petitioner in the representation dated 31.08.2017 (P-2) and to take a conscious decision by passing a speaking order considering all the facts narrated in the aforesaid representation, within a period of three months from the date of receipt of a certified copy of this order. In case, competent authorities come 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 of non compliance of this order petitioner shall be at liberty to have recourse of the remedies available to him as well as to approach this Court.

March 12, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**