

CWP No.5931 of 2018
DECIDED ON: MARCH 12, 2018

AJAIB SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB & ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. B.S. Sidhu, 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 the issuance of a writ in the nature of Mandamus directing the respondents to grant him the benefit of gratuity of 10,00,000/-, group insurance and further benefits of stepping up pay as applicable, which benefits are liable to be paid at the time of retirement that too, along-with interest @18% p.a. on the delayed payments with further direction to pay interest on the delayed payment of leave encashment and similarly on the benefits of general provident fund.

2. The contention of learned counsel for the petitioner is that petitioner stood retired on attaining the age of superannuation on April 30, 2017. He further submits that the amount accrued to the petitioner on account of leave encashment and GPF has been paid to him after a considerable delay and that too, without interest. He served a legal notice dated December 12, 2017 (P-1) upon the respondents, which did not fetch any reply. Petitioner constrained to served another legal notice dated January 12, 2018 (P-2) upon the respondents.

Despite the fact that a period of two months have elapsed, which also did not fetch any reply. He further submits that neither any departmental inquiry nor any judicial proceedings was pending against the petitioner at the time of his retirement. He further submits that he feels satisfied in case a direction is issued to respondents to consider and decide the afore-said legal notice (P-2) within 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 legal notice (P-2) and to take a conscious decision by passing a speaking order considering all the facts narrated in the aforesaid legal notice (P-2) within a period of three months from the date of receipt of a certified copy of this order. In case, respondents come to the conclusion that petitioner is entitled to the relief(s) claimed through the legal notice (P-2), to calculate and release the same 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 issued by Government of Punjab dated May 10, 1990, be also considered on delayed payment(s).

5. 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.

MARCH 12, 2018

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Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*

(JASPAL SINGH)
JUDGE