

**CWP No.6231 of 2018
DECIDED ON: MARCH 14, 2018**

SUSHIL KUMAR PRABHAKAR

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Gourave Bhayya Gilhotra, 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 No.2 to 4 to release the retiral benefits which includes earned leave, due encashment, arrears due to enhanced pay scale and other retiral benefits such as enhanced house rent allowance, implementation of ACP and payment of mobile allowance as recommended by 5th Pay Commission and all other consequential relief.

2. The contention of learned counsel for the petitioner is that earlier petitioner preferred a writ petition bearing CWP No. 1896 of 2014, which was disposed of vide order dated February 03, 2014 (P-3) passed by this Court whereby, a direction was issued to the respondents to consider and decide the legal notice (P-1) as expeditiously as possible and preferably within a period of

two months from the date of receipt of certified copy of this order. Further the petitioner was also held entitled to the interest @9% per annum. Learned counsel for the petitioner further submits that though gratuity has been released to the petitioner but no interest has been granted to him as awarded by this Court vide order dated February 03, 2014 (P-3).

3. Since the order has already been made in this regard, petitioner shall be at liberty to get the afore-said order implemented by way of filing an appropriate petition. As far as the disbursement of other retiral benefits accrued to the petitioner on account of his retirement is concerned, the contention of learned counsel for the petitioner is that the same has not been released so far and an assurance in this regard was being given time and again by respondents No.2 to 4 and it was only due to the said reason only gratuity was claimed through the previous petition. Now the petitioner has served legal notice dated January 24, 2018 (P-7) upon the respondents but despite the fact that a period of 1 ½ month has elapsed no conscious decision has been taken so far. He further submits that he feels satisfied in case a direction is issued to respondents No.2 to 4 to consider and decide the afore-said legal notice (P-7) within a time bound manner.

4. Without expressing any opinion on merits of the case but considering the aforesaid aspects as has been unfolded by the learned counsel for the petitioner, instant petition is disposed of with a direction to respondent No.2 to 4 to look into the grievances unfolded by the petitioner in the legal notice dated January 24, 2018 (Annexure P-7) 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, competent authorities come to the conclusion that petitioner is entitled to

the relief(s) claimed, to calculate and release the same within a period of next 45 days. 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, on delayed payment(s) of various retiral dues.

5. However, if petitioner still feels aggrieved by any inaction of the concerned authority, he shall be at liberty to have recourse to the other remedies available to him under law including to approach this Court.

MARCH 14, 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>