

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

Sr. No.135

Civil Writ Petition No.7939 of 2018
DECIDED ON: April 02, 2018

LAL CHAND

..PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Harmail Singh, 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 especially in the nature of Mandamus directing the respondents to release the retiral benefits i.e. gratuity and interest on the delayed payment of leave encashment and CPF, which have been withheld by the respondents.

2. Learned counsel for the petitioner contends that petitioner stood retired on 30.09.2015 as Sub-Divisional Engineer (Civil) on attaining the age of superannuation. But the retiral benefits i.e. gratuity has not been paid to him till date. He further contends that petitioner moved various representations including legal notice dated 16.02.2018 (P-5) to the respondents, but till date, no benefit has been granted to him. He also submits that the petitioner feels satisfied in case a direction is given to respondent No.2, to decide the aforesaid legal notice (P-5), within a stipulated period.

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3. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondent No.2-Chief Administrator, Punjab Urban Planning and Development Authority, PUDA Bhawan, Sector 62, SAS Nagar Mohali to consider the grievances unfolded by the petitioner in the legal notice dated 16.02.2018 (P-5) and to take a conscious decision by passing a speaking order as per rules and instructions issued by the Government of Punjab from time to time, 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, shall also be considered on delayed payment(s). 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.

April 02, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**