

**167/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.8110 of 2018
DECIDED ON: APRIL 02, 2018**

MALKIAT SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Raman Goklaney, 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 release all the retiral benefits accrued to him such as gratuity, leave encashment, etc. on account of his retirement along-with interest.

2. The contention of learned counsel for the petitioner is that petitioner stood retired on 31.10.2017 on attaining the age of superannuation but till date nothing has been paid to him. Neither any departmental nor any judicial proceeding are pending against the petitioner either at present or at the time of his retirement. Even, legal notice dated 27.02.2018 (P3) served upon the respondents did not fetch any reply. He further contends that he feels satisfied in case a direction is issued to respondents to consider and decide the afore-said legal notice (P-3) within some 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 dated 27.02.2018 (P-3) and to take a conscious decision by passing a speaking order considering all the facts narrated in the aforesaid legal notice within a period of three months from the date of receipt of a certified copy of this order. In case, competent authority comes 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, be also considered on delayed payment(s).

4. However, in case of non-compliance of afore-said direction petitioner shall be at liberty to have recourse to the other remedies available to him under law as well as to approach this Court.

APRIL 02, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*