

**CWP No. 8502 of 2018
DECIDED ON: APRIL 04, 2018**

MAJOR SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB & OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Gopal Singh Nahel, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

Through the instant petition, petitioner has sought a writ in the nature of mandamus directing the respondents to release him all the retiral benefits along-with interest WITH FURTHER direction to respondents to decide and consider the legal notice dated 15.02.2018 (P-1).

2. The contention of learned counsel for the petitioner is that petitioner stood retired on 30.06.2017 on attaining the age of superannuation. He further submits that either at the time of retirement of petitioner or at present neither any criminal nor any judicial proceeding is pending against him. Even, the resolution dated 12.06.2017 (P-2) was passed by respondent No.6 with regard to the retirement of petitioner as well as to release the benefits accrued to him on account of his retirement but till date nothing has been paid. Even, the service of legal notice dated 15.02.2018 (P-1) did not bring any fruitful result. It has neither been respondent nor any efforts have been made to release the retiral

benefits to the petitioner. Further, petitioner feels satisfied in case a direction is issued to respondents to consider and decide the afore-said legal notice (P-1) within some stipulated period.

3. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondents particularly respondent NO.6 to look into the grievance unfolded by the petitioner in the legal notice dated 15.02.2018 (P-1) in accordance with law, rules and regulations within a period of three months from the date of receipt of certified copy of this order. In case the authority comes to the conclusion that petitioner is entitled to the relief(s) claimed through legal notice dated 15.02.2018 (P-1), to calculate and release the same within next 45 days. As far as grant of interest on delayed payment is concerned that shall also be considered in view of the observations made by Full Bench of this Court in case captioned as ***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 dated May 10, 1990 issued by the Government of Punjab, which are also applicable to the parties to the petition.

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

APRIL 04, 2018
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(JASPAL SINGH)
JUDGE

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