

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

Sr. No.121

Civil Writ Petition No.8704 of 2018
DECIDED ON: April 06, 2018

MOHAN LAL

..PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Yashpal Thakur, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

By virtue of the instant civil writ petition, preferred under Article 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of Mandamus directing the respondent No.2 to decide the representation dated 19.10.2016 (P-3) for releasing the annual departmental increment discontinued since the year 2013 and to pay the pending dues of the same as well as pending retiral benefits.

2. The contention of learned counsel for the petitioner is that though FIR No.165, dated 25.06.2013, under Sections 283, 353, 186, 506, 147, 149 of IPC registered at Police Station Mandi, District Gobindgarh against the petitioner and some other persons. Vide order dated 03.10.2016 passed by Sub Divisional Judicial Magistrate, Amloh, petitioner and his co-accused were acquitted of the charges. However, prior to his acquittal, he stood retired on 31.01.2016 as Safai Sewak on attaining the age of superannuation. Subsequent to the acquittal, petitioner moved

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representation dated 19.10.2016 (P-3) with the Executive Officer, Municipal Council Mandi-Gobindgarh, District Fatehgarh Sahib (Punjab) but till date neither any response has been received nor any benefit has been released. He further submits that he feels satisfied in case a direction is issued to respondent No.2 to decide the aforesaid representation (P-3) in a time bound manner.

3. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondents No.2 to look into the grievances unfolded by the petitioner in the representation dated 19.10.2016 (P-3) and to take a conscious decision by passing a speaking order, within a period of three months from the date of receipt of a certified copy of this order. If there is no legal impediment to release the aforesaid relief(s) claimed, same be released to him within 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 No.1/15/90IFPIII/4226 dated 10.05.1990 issued by the Government of Punjab, be also 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 06, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**