

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

Sr. No.114

Civil Writ Petition No.9221 of 2018
DECIDED ON: April 19, 2018

HARJINDER KUMAR

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. R.S. Bajaj, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

By virtue of the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of Mandamus directing the respondents to release the retiral benefits like pension, GPF, gratuity, commuted pension, leave encashment along with interest @ 15% per annum.

2. Learned counsel for the petitioner contends that petitioner stood retired on 28.02.2018 on attaining the age of superannuation. At the time of his retirement, neither any judicial nor any departmental proceeding is pending against him. Despite the fact that a period of one month has elapsed, the petitioner has not been disbursed with the retiral benefits on the date of his retirement. Even, petitioner moved a representation dated 15.03.2018 (P-2) to the respondent No.1 but did not fetch any fruitful result

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or no action has been taken thereon. He feels satisfied in case a direction is issued to respondent No.1 to decide the aforesaid representation, in a time bound manner.

3. Instant petition is disposed of with a direction to respondent No.1-The Secretary, Department of Education (School), Mini Secretariat, Sector 9, Chandigarh to consider the grievances unfolded by the petitioner in the representation dated 15.03.2018 (P-2) and to take a conscious decision by passing a speaking order as per rules and regulations issued by the Government from time to time, within a period of two months from the date of receipt of a certified copy of this order. In case, competent authorities 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 and Instructions No.1/15/90IFPIII/4226 dated 10.05.1990 issued by the Government of Punjab, be also considered on delayed payment(s).

4. 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 19, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**