

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.9565 OF 2018
DECIDED ON: APRIL 24, 2018

SATNAM SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sunny Singla, Advocate,
for the petitioner.

JASPAL SINGH, J.

Through instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus directing the respondents to release pension and pensionary benefits i.e. gratuity, leave encashment etc. which has been withheld by the respondent-department along with interest @ 18% per annum on the delayed payment.

2. The contention of learned counsel for the petitioner is that the petitioner stood retired on 31.07.2015 on attaining the age of superannuation and part payment has already been released to him, however, the balance amount is illegally withheld by the respondents. He further submits that neither any departmental inquiry nor any judicial proceeding is pending against the petitioner. Even, petitioner served a legal notice dated 30.05.2017 (P-1), but till date neither any response has been received nor any decision has been taken

thereon. He further submits that petitioner feels satisfied in case direction is issued to respondents to consider and decide the afore-said legal notice (P-1) within a stipulated period.

3. Accordingly, instant petition is disposed of with a direction to respondent(s) to look into the grievances unfolded by the petitioner in legal notice dated 30.05.2017 (P-1) and take a conscious decision within a period of two months from the date of receipt of certified copy of this order. In case the concerned authority comes to the conclusion that petitioner is entitled to the relief claimed, to release the same within next 45 days.

4. However, respondents are also directed to consider the case of the petitioner for the grant of interest in view of judgment passed by Full Bench of this Court in the case of “*A.S Randhawa v. State of Punjab and others; 1997 (3) SCT 468* as well as Punjab Govt. Instructions No.1/15/90IFPIII/4226, dated 10.05.1990.

5. However, if petitioner still feels aggrieved by any order of the aforesaid authority, he shall be at liberty to approach this Court.

APRIL 24, 2018
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>