

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

CWP No.14688 of 2020.

Decided on:- September 17, 2020.

Hoshiar Singh.

.....Petitioner.

Versus

State of Haryana and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. B.K. Bagri, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

The petitioner has filed this civil writ petition under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus so as to direct the respondents to release the retiral benefits i.e. gratuity, leave encashment, balance arrear of the 6th and 7th Pay Commission along with interest.

Learned counsel for the petitioner has argued that the petitioner was appointed as Peon in the office of respondent No.4 District Child Welfare Officer, Narnaul on 29.05.1978 and joined as such w.e.f. 01.06.1978. He was promoted to the post of Daftri on 30.01.1987 and retired from service on 31.10.2018. However, after his retirement, only a meagre amount of Rs.4 lakh has been released to the petitioner by way of four instalments of Rs.1 lakh each vide cheque Nos.867679 dated 10.10.2019, 895325 dated 08.01.2020,

895354 dated 20.05.2020 and 895396 dated 14.07.2020, but the complete retiral benefits have not been released to him despite having been made repeated representations dated 10.12.2019, 19.02.2020, 29.05.2020, 22.06.2020 and 10.07.2020 (Annexures P-5 to P-9 respectively) addressed to respondent No.2 i.e. the Secretary, Haryana State Child Welfare Council, Chandigarh. The wife of petitioner is a cancer patient and as service of petitioner was not pensionable, it is very difficult for him to manage his expenses especially to attend his ailing wife.

He further states that at this stage, the petitioner would be satisfied in case a direction is issued to the respondents No.2 and 3 to consider the representation dated 10.07.2020 (Annexure P-9) submitted by the petitioner.

Notice of motion.

On asking of this Court, Ms. Ranjana Shahi, Additional Advocate General, Haryana accepts notice on behalf of the respondent-State.

Having heard learned counsel for the parties and without making any observations as regard the claim so projected by the petitioner, but considering the fact that the petitioner has retired on 31.10.2018 and various representations have been submitted by him so as to get his retiral benefits released, the present petition is disposed of with a direction to respondents No.2 and 3 to consider the representation dated 10.07.2020 (Annexure P-9) submitted by the petitioner and to take a final decision on the same by passing a reasoned order.

It is made clear that in case it is found that the petitioner is entitled to the retiral benefits and the amount has been withheld without any

justified reason, the same shall be released to the petitioner forthwith preferably within a period of three months from the date of final decision taken on the representation (Annexure P-9).

It is further made clear that if the petitioner is held entitled for the retiral benefits, the same shall be released to the petitioner along with interest @ 9% per annum from the date when the amount becomes due to the petitioner.

September 17, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No