

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 18154 of 2020 (O&M)

Date of decision : 30.10.2020

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Satbir Singh

.....Petitioner

vs.

State of Haryana and others

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Ajay Vijarnia, Advocate
for the petitioner.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

Petitioner – Satbir Singh, aged about 59 years, son of Meer Singh, resident of village Chiriya, Tehsil and District Charkhi Dadri, having retired as District Education Officer, Jhajjar, on attaining the age of superannuation on 31.8.2019, has brought the instant Civil Writ Petition under Articles 226/227 of the Constitution of India, against respondents i.e. State of Haryana through Additional Chief Secretary-cum-Finance Commissioner, Education Department,

Haryana Civil Secretariat, Chandigarh; Director Secondary Education, Haryana, Shiksha Sadan, Sector 5, Panchkula; Principal Accountant General, Haryana, Sector 33-C, Chandigarh and District Education Officer, Jhajjar, District Jhajjar, Haryana, for issuance of a writ in the nature of mandamus directing the respondents to pay leave encashment of 300 days alongwith interest @ 12% per annum and further to pay interest on delayed payment of pension and other benefits, to him.

According to him, he had submitted a representation dated 30.7.2020, copy Annexure P-4, to the respondents in that regard, but no action has been taken thereon till now.

Notice of motion.

At this stage, Mr. Rohit Arya, Deputy Advocate General, Haryana, has accepted notice on behalf of the respondents.

Learned counsel for the petitioner submits that the petitioner would be satisfied if a direction is issued to the respondents, more particularly to respondent No.2 - Director Secondary Education, Haryana, Shiksha Sadan, Sector 5, Panchkula, to consider and take necessary action on the representation of the petitioner (Annexure P-4), within a fixed time frame.

Learned State counsel appearing for the respondents states that respondents would abide by any direction issued by this court, in that regard.

Accordingly, keeping in view facts and circumstances of the case and to enable the respondents to apply their mind and take

decision in the matter and further to avoid unnecessary litigation between the parties, the present writ petition is disposed of directing the respondents to consider the claim of the petitioner, as contained in representation Annexure P-4, as per law and if it is found that the petitioner is entitled to receive any amount, then the same be paid alongwith interest @ 6% per annum, from the date when the amount became due, till actual payment, within a period of two months from the date of receipt of a copy of this order.

However, since the writ petition is not being disposed of on merits, the petitioner may take recourse to the legal remedy, in accordance with law, in case he still feels aggrieved by the decision taken by the respondents on his representation.

30.10.2020
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No