

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

CWP-20330-2020

Date of decision: 27.11.2020

Davinder Singh

.....Petitioner

versus

State of Punjab and others

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. T.N. Sarup, Advocate
for the petitioner.

Ms. Kanica Schdeva, Assistant AG, Punjab

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioner-Davinder Singh, stated to be aged 59 years, has filed the present petition *inter alia* with a prayer for issuance of a writ in the nature of mandamus for directing the respondents to pay the full pension and retiral benefits of the petitioner along with interest @18% p.a. from the date of retirement.

Learned counsel for the petitioner, based on the pleadings in the petition, submits that the petitioner had joined the service of respondent No.3 on 06.07.1987 as Peon. It is submitted that he worked continuously till the date of retirement. He got one year extension in service with the permission of the respondents and accordingly retired on 31.03.2020 as

Junior Assistant. The grievance of the petitioner is that since the date of retirement till date, his full pension has not been fixed and resultantly, he is only getting 70% of his pension. In addition to above, it is also prayed that his salary for the period from December 2019 to 31.03.2020 and medical @ Rs.500/- per month (for approximately nine months), has also not been paid. It is further submitted that other retiral benefits including the gratuity, have also not been paid, except Rs.2 lacs paid under the head of gratuity, which is again part payment only. Learned counsel then makes a submission that in fact, for the delay of more than reasonable period of time, the petitioner is also entitled to interest @ 18% p.a.

Notice of motion.

On asking of the Court, Ms. Kanica Schdeva, Assistant AG, Punjab, accepts notice on behalf of respondents No.1 & 2.

Learned counsel for the petitioner submits that for the same/similar grievance as made in the petition, the petitioner had submitted a representation (Annexure P-1) before The Executive Officer, Improvement Trust, Batala.

Without commenting upon merits of the case, this Court deems it appropriate to dispose of the present petition with a direction to the Competent Authority to decide the above said representation (Annexure P-1) in accordance with law as expeditiously as possible, preferably within one month from today. The Competent Authority is also directed to consider the case of the petitioner under the prevalent Government instructions and if the petitioner is found entitled to the interest, amount be

released along with the interest. If, however for any lawful reason, the petitioner is not entitled to any of the above stated benefits, a detailed reasoned order be passed.

A copy of this order be sent to the Competent Authority, by the Registry through e-mail or any other mode, so as to enable the said authority to do the needful expeditiously.

Ordered accordingly.

(GIRISH AGNIHOTRI)
JUDGE

27.11.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No