

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

CWP-4160-2022

Date of decision: 03.03.2022

Ton Kumar

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: None.

FATEH DEEP SINGH, J. (ORAL)

Records perused.

The petitioner has invoked the jurisdiction of this Court in terms of Article 226 of the Constitution of India seeking prayer by way of writ of *mandamus* for issuance of directions to the respondents to release all the retiral dues comprising of leave encashment and gratuity along with statutory rate of interest @ 10% from the date of its accrual till its actual realization in the light of the judgments rendered by the Apex Court wherein it is held that in the absence of any provision pertaining to continuation of departmental proceedings in the Rules of the Federation, the employer had no legal authority to make any rejection in the retiral

benefits and to continue with the disciplinary inquiry after retirement of an employee.

Notice of motion to the official respondents.

Ms. Anju Sharma Kaushik, DAG, Punjab puts in appearance and accepts notice on behalf of the respondents-State.

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Heard.

On perusal of the records, the present petition stands disposed off with the directions to the official respondents to consider the legal notice dated 06.01.2022 (Annexure P-6) as representation moved by the petitioner and decide the same in accordance with law, by passing a speaking order preferably within a period of one month from the date of receipt of the certified copy of this order.

If found entitled and if there is no impediment for the relief, the same be granted to the petitioner without any delay, as per law.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

03.03.2022

Neha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No