

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

120

CWP-10863-2023

Date of decision:18.05.2023

Harinderjit Singh

... Petitioner

Vs.

State of Punjab & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

Present: Mr. Vikas Chatrath, Advocate for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

...

SUKHVINDER KAUR, J.

The instant petition has been filed under Articles 226/227 of the Constitution of India seeking a writ of mandamus directing the respondents to release the interest at the rate of 18% per annum on the delayed payment of gratuity, leave encashment, GIS, difference on leave salary, DCRG and arrears of provisional pension, especially in view of law laid down in Vijay L. Mehrotra Vs. State of UP, 2000 (4) SCT 267 SC and CWP No.2859 of 2018, Sajjean Singh Vs. State of Punjab & ors., decided on 07.03.2019.

Learned counsel for the petitioner has contended that the petitioner has joined the department on 02.04.1985 as Constable and retired as Assistant Sub Inspector on 31.10.2021 on attaining the age of superannuation. He was entitled for release of pension and the pensionary benefits but the same were released with delay on the dates as depicted in a tabular form in para No.2 of the petition. He has further submitted that nothing adverse was conveyed to the petitioner by the department and no inquiry was pending against him. He had an unblemish career and his work was always appreciated by his seniors and there was no cause for delaying the pension and pensionary benefits and as such, he has entitled for interest

@ 18% per annum on the delayed payments. Counsel for the petitioner has further submitted that the present writ petition may be disposed of by granting liberty to the petitioner to issue fresh legal notice to the respondents/authorities regarding his grievance and time bound direction may be issued in this regard.

On the other hand, Ms. Akshita Chauhan, DAG, Punjab, has put in appearance on behalf of the respondents and has submitted that she has no objection if legal notice is served by the petitioner upon the concerned authorities and in case, the petitioner gives any such legal notice regarding his grievance, the same shall be considered in accordance with law.

In view of the aforesaid factual position and without observing anything on the merits of the case, this Court deems it appropriate to dispose of the present writ petition at this stage, with a direction to the respondent/authorities that if any legal notice is served by the petitioner within two weeks from today regarding his grievance, then the same will be considered and decided strictly in accordance with law by passing a speaking order, within a period of three months from the date of receipt of such legal notice.

In case it is found that the petitioner is entitled for the monetary benefits after the decision of the legal notice, the same shall be paid to him within a period of eight weeks thereafter.

18.05.2023
monika

(SUKHVINDER KAUR)
JUDGE

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