

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-5171-2024 (O&M)
Date of decision: 04.03.2024

Rakesh Jain

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Dhiraj Jindal, Advocate for the petitioner.

AMAN CHAUDHARY, J

1. The prayer in the present Civil Writ Petition filed under Article 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus directing the respondents to pay interest @ 9% on the delayed payment of retiral benefits to the petitioner.

2. Learned counsel would contend that the petitioner retired on 31.03.2021 on attaining the age of superannuation, however, his retiral benefits were not released, on account of a chargesheet, pending against him wherein he was exonerated vide order dated 21.06.2023 and the said benefits have been released thereafter, sans any interest, which he was entitled to on account of having been exonerated as per the judgment in the case of **Vijay L. Mehrotra vs. State of UP**, 2000(2) RSJ 647 (SC). In this regard, a representation dated 24.01.2024, Annexure P2, has been submitted by him, which has yet not evoked any response. He thus, at this stage, on instructions, submits that the petitioner is sanguine of it being considered in a positive manner, in case, a direction is given to the respondents to decide the same in a time bound manner by granting him an opportunity of hearing.

3. Notice of motion.

4. At the asking of the Court, Mr. Manipal Singh Atwal, DAG, Punjab, accepts notice on behalf of the respondent-State and has no objection to the limited prayer made.

5. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to the respondents to consider and decide the representation dated 24.01.2024, Annexure P2, taking into account the pleas of the petitioner and aforesaid judgment, as referred by him, within a period of 4 months and if found entitled, necessary benefit be granted to him forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating him therewith.

04.03.2024
ashok

(AMAN CHAUDHARY)
JUDGE

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