

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-29828-2017

Date of decision : 15.02.2024

Gursewak Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Deepak Gupta, Advocate for the petitioner.

Ms.Neha Sonawane, DAG, Punjab.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to release the gratuity, full pension and other retiral benefits along with 18% interest.

2. Learned counsel for the petitioner has submitted that although the substantial amount of retiral benefit has been released in favour of the petitioner but some amount is due from the respondent authority and the petitioner is also entitled to interest as the amount has been released after a period of more than 4 years from the date of retirement. It is further submitted that the present petition be disposed of as having been rendered infructuous but liberty be granted to the petitioner to move a representation to the competent authority of respondent no.1 giving details of dues and also details on the basis of which the petitioner is claiming interest and the competent authority of respondent no.1 be directed to consider the said representation in a time bound manner and if after considering the same, in case, the plea raised by the petitioner is found to be meritorious, then

necessary relief be granted to the petitioner.

3.

Learned State counsel has submitted that as per their stand, the petitioner has to submit NOC and vigilance clearance certificate and has further submitted that in case the representation is given, the competent authority of respondent no.1 would consider the said representation and decide the same within a period of two months from the date of the receipt of the said representation.
4.

Keeping in view the above said facts and circumstances, the present petition is disposed of as having been rendered infructuous. Liberty is granted to the petitioner to move a representation with respect to the balance amount of retiral benefits, if any, due to the petitioner and also for payment of interest after giving specific details and in case any such representation is filed then the competent authority of respondent no.1 would consider the said representation of the petitioner and decide the same, in accordance with law, as expeditiously as possible, preferably within a period of two months from the date of the receipt of certified copy of the present order and in case, after considering the same, the plea of the petitioner is found to be meritorious, then necessary relief be granted to the petitioner and in case, the plea of the petitioner is not found to be meritorious, then a speaking order rejecting the same be passed within a period of two months from the date of the receipt of the said representation.
5.

It is made clear that this Court has not opined on the merits of the case and the competent authority of respondent no.1 would consider and decide the representation independently, in accordance with law.

(VIKAS BAHL)

JUDGE

February 15, 2024

Davinder Kumar

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