

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

CWP No. 15322 of 2013 (O&M)

Date of decision: 20.04.2015

Kumar Mohan

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. R.K. Malik, Sr. Advocate with
Mr. Mandeep Singh, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Jitendra Chauhan, J. (Oral)

By way of the instant writ petition, under Articles 226/227 of the Constitution of India, the petitioner seeks to issue directions to the respondents to release the retiral benefits.

It is contended that the petitioner retired on 31.08.2012 after attaining suppenuation. The commutation of pension was released to the petitioner on 24.06.2014. The amount of leave encashment has not so far been paid. The petitioner was issued recovery notice dated 21.07.2014 (Annexure P5), which was challenged by amending the present writ petition. In the interregnum

period, the said notice Annexure P-5 stands withdrawn by the respondents.

The learned State counsel does not dispute the factual position as set out by the petitioner.

Keeping in view the fact that the order dated 21.07.2014 (Annexure P-5) stands withdrawn, there is no impediment left for not releasing the retiral benefits to the petitioner. In the circumstances, the respondents are directed to release all the retiral benefits to the petitioner along with interest on the delayed payment @ 8% p.a., in terms of the law laid down in case **The Financial Commissioner and Principal Secretary to Govt. of Haryana, Irrigation Department, Civil Secretariat, Chandigarh** Vs. **Hasan Singh Kanwar**, 2010(1) SLR 788, within four months from the date of receipt of a certified copy of this order.

20.04.2015

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(JITENDRA CHAUHAN)
JUDGE