

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

**CWP-268-2019
Date of decision: - 10.01.2019**

Vidya

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ramandeep Singh, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the prayer made by the petitioner is for the release of the pensionary benefits which are not being released despite the fact that he retired as Safai Sewak on 31.07.2018 on attaining the age of superannuation.

Counsel for the petitioner states that there is no impediment in the release of the same, but the Municipal Council does not release the amount of the pensionary benefits unless and until an employee approach this Court. In support of this averment, the petitioner has attached various orders passed in the cases of other employees, wherein a direction given by this Court to release the pensionary benefits in case there is no impediment. These orders are attached as Annexurds P-4 to P -6 with the present writ petition.

Counsel for the petitioner further states that for the relief which has been sought in the present writ petition, the petitioner has served respondents with a legal notice on 15.10.2018 (Annexure P-2), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the said legal notice.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 15.10.2018 (Annexure P-2) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order. In case after the decision, it is found that the petitioner is entitled for any monetary benefit, the same shall also be released to her within a period of next three months.

It is made clear that in case there is any violation of this order, the Executive Officer will be personally liable for the default of the same.

Present writ petition stands disposed of.

January 10, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No