

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

(137)

CWP-9888-2019

Date of Decision: April 11, 2019

Darshan Singh Chopra

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Maninder Arora, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioner states that though the petitioner has retired on 31.01.2008 still after expiry of more than 11 years, all the pensionary benefits have not been released to him. Learned counsel for the petitioner states that there is no valid justification with the respondents to withhold the amount and even the amount which has been released to the petitioner on account of DCRG, is less than as sanctioned by the respondents themselves.

Learned counsel for the petitioner states that the petitioner was found entitled for the revised gratuity amounting to Rs.2,08,224/- whereas only Rs.1,97,072/- has been released in favour of the petitioner.

Learned counsel for the petitioner further states the petitioner had served a legal notice upon the respondents on 13.08.2018 (Annexure P-4) and in reply to the said legal notice, the respondents have informed him that necessary directions have already been given to the Treasury Office for the releasing of the payment and in respect of the interest, the respondents are seeking appropriate directions from the Head Office, Patiala after which

the case of the petitioner for the grant of interest will be decided. Learned counsel for the petitioner further states that even after expiry of more than two months of the said reply, no action has been taken by the respondents for releasing the complete pensionary benefits and the interest on the delayed payments for which the petitioner is entitled for.

Learned counsel for the petitioner states that the respondents be directed to decide the claim of the petitioner as raised in the legal notice dated 13.08.2018 (Annexure P-4) by passing an appropriate speaking order in a time bound manner.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by him in the legal notice dated 13.08.2018 (Annexure P-4), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 13.08.2018 (Annexure P-4) within a period of three months from the receipt of certified copy of this order.

In case, it is found that the petitioner is entitled for any monetary benefits after the decision of the legal notice, the same should also be paid to him within three months thereafter.

April 11, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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