

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 10498 of 2019

Date of Decision : 24.04.2019

Rajinder Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: None.

Harsimran Singh Sethi, J.(Oral)

The present writ petition has been filed by the petitioner seeking interest on the delayed release of the retiral benefits.

For the claim of interest, reliance has been placed on the decision rendered by the Full Bench of this Court in ***A.S. Randhawa Vs. State of Punjab, 1997 (3) SCT 468.***

As per the averments made in the writ petition, petitioner attained the age of superannuation on 30.06.2015, after which he was granted extension in service for a period of two years and upon availing the said extension, petitioner superannuated from service on 30.06.2017.

As per the averments made in the writ petition, when petitioner retired from service in June, 2017, a charge-sheet was pending against him and the said charge-sheet was dropped in November, 2017 by the respondents. It has been contended that though there was no impediment for the release of the various benefits after the retirement of the petitioner, still the same were not released till February, 2018 and, therefore, as there is

a delay in releasing the pensionary benefits, the petitioner is entitled for interest on the said delayed payments by relying upon the judgment of the Full Bench of this Court in *A.S. Randhawa Vs. State of Punjab, 1997 (3) SCT 468*.

From the averments made in the writ petition, it transpires that for the relief, which has been claimed in the present writ petition, the petitioner has served upon the respondents a legal notice dated 30.01.2018 (Annexure P-3) and as per the averments made in the writ petition, the said legal notice is still pending consideration with the respondents.

Interest of justice will be served, at this stage, in case a time bound direction is given to the respondents to decide the said legal notice by passing an appropriate speaking order.

Without going into the merits of the case or expressing any opinion to the entitlement of the petitioner in respect of the claim prayed in the present writ petition or in the legal notice, the present writ petition is disposed of with a direction to the respondents to pass an appropriate speaking order on the claim raised by the petitioner in the legal notice dated 30.01.2018 (Annexure P-3) within a period of three months from the date of receipt of certified copy of this order.

In case after the order, it is found by the respondents that the petitioner is entitled for any monetary benefits, the same should also be released to him within a period of next three months.

The writ petition stands disposed of.

April 24, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? *Yes/No*
Whether reportable? *Yes/No*