

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

(227)

CWP-14873-2016

Date of Decision: July 03, 2019

Kaka Singh

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Alisha Arora, Advocate, for the petitioner.

Mr. Vikas Mohan Gupta, Addl. A.G., Punjab.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the grievance of the petitioner is that vide order dated 21.03.2016 (Annexure P-7), the case of the petitioner has been rejected by the respondents for the grant of the pensionary benefits, which is contrary to the law.

Upon notice of motion, the respondents have filed the reply in which, the respondents have stated that the impugned order dated 21.03.2016 (Annexure P-7) was re-considered immediately and benefit of pension was allowed in favour of the petitioner and all the benefits for which, the petitioner was entitled for, were also released immediately thereafter.

When the case came up for hearing before this Court on 08.01.2019, the following order was passed:-

“Counsel for the petitioner request for an adjournment as counsel for the respondents has pointed out that as per letter dated 02.11.2016 (Annexure R-2), the pensionary benefits have been released to the petitioner after considering his case under the Old Pension Scheme.

Let the status as to whether the pensionary benefits have been released to the petitioner or not be filed by the respondents-State, giving the details of the benefits released if any also.

Adjourned to 27.02.2019”.

In pursuance to the said order, the respondents have filed an affidavit of M. Sudhagar, Field Director, M.C. Zoological Park, Chhatbir, District S.A.S. Nagar dated 15.02.2019 in which the following averments have been made:-

“1. That the pension case of the petitioner has been sanctioned by Accountant General, Punjab vide letter no. PEN02/2181547043/2016-17/PE/16/10/80116624 dated 02.11.2016. The pensionary benefits of Sh. Kaka Singh s/o Nasib Singh, Retd. Multipurpose Worker have already been released by the office of undersigned as per details given below.

Sr. No.	Payment Details	Amount	Date of Payment Credit in the petitioner's account
1	GIS	2,366/-	01/09/16
2	GPF Final Payment	2,51,937/-	02/11/16
3	Leave Encashment	94,319/-	05/12/16
4	Gratuity	1,95,756/-	03/01/17

The documents in this regard are being attached as Annexure A-1 to A-4.

It is therefore, respectfully, prayed, that the present petition may kindly be dismissed in the interest of justice.”

Learned counsel for the petitioner very fairly states that the payments which have been mentioned in the affidavit, have been duly received by the petitioner. Counsel for the petitioner further states that the calculation of the amount is not to the satisfaction of the petitioner as according to the petitioner, he was entitled for more than the amount released on account of the retiral benefits.

Learned counsel for the petitioner states that she be allowed to withdraw the present writ petition with liberty to approach the respondents by filing appropriate representation raising the said plea by giving the details according to which the petitioner was entitled for more than the amount released, after his retirement.

Learned counsel for the respondents very fairly states that in case any representation is received, the same will be decided expeditiously preferably within a period of two months by passing an appropriate speaking order.

Keeping in view the said statement, learned counsel for the petitioner does not press this writ petition any further and the same be disposed of having not pressed.

Disposed of as such.

(HARSIMRAN SINGH SETHI)
JUDGE

July 03, 2019
harsha

Whether speaking/reasoned: Yes
Whether reportable: No