

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

(123)

CWP-18481-2019

Date of Decision: July 10, 2019

Virender Kumar

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sahil Garg, Advocate, for
Mr. Vikas Bishnoi, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the grievance which is being raised by the petitioner is that he retired from service on 31.01.2017 but the release of the retiral benefits was delayed by the respondents without any valid justification.

Learned counsel for the petitioner states that the retiral benefits were released to the petitioner in August/September, 2017 and therefore, keeping in view the instructions issued by the Government of Haryana dated 20.02.2002, the petitioner is entitled for the interest on the said delayed payments as there was no valid justification with the respondents to withhold the said retiral benefits.

Learned counsel for the petitioner states that for the relief which has been claimed in the present writ petition, the petitioner has served the respondents with a representation dated 01.11.2017 (Annexure P-3), which according to the petitioner, is still pending consideration with the respondents.

On being pointed out, learned counsel for the petitioner states that no representation has been given to the department, which is to

consider the case of the petitioner for the grant of interest as the representation (Annexure P-3) has been made to the Chief Secretary, who is not a competent authority to decide the claim of the petitioner and even the said Chief Secretary is not a party to the present writ petition, learned counsel for the petitioner states that he be allowed to withdraw the present writ petition with liberty to approach the competent authority first for the claim which is being made in the present writ petition as no mandamus can be issued without raising a claim from the authority against whom the writ petition is filed.

Dismissed as withdrawn with liberty as prayed for.

(HARSIMRAN SINGH SETHI)
JUDGE

July 10, 2019
harsha

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