

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

(1)

**CWP No. 20834 of 2016
Date of Decision : 05.04.2019**

V.K. Aggarwal

...Petitioner

Versus

State of Punjab and others

...Respondents

(2)

CWP No. 24464 of 2016

Harish Chander

...Petitioner

Versus

State of Punjab and others

...Respondents

(3)

CWP No. 20856 of 2016

Surjit Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rajesh K. Dadwal, Advocate for the petitioner(s).

Ms. Deepali Puri Sandhu, Addl. A.G., Punjab.

Harsimran Singh Sethi, J.(Oral)

By this common order, three writ petitions bearing CWP Nos. 20834 of 2016, 24464 of 2016 and 20856 of 2016 are being disposed of as common question of law and similar facts have been stated in all the writ petitions.

For the sake of convenience, the facts are being taken from CWP No. 20834 of 2016.

The grievance, which is being raised in the present writ petition is that the retiral benefits were not being released to the petitioner despite the fact that he has retired and there was no impediment in the release of his pensionary benefits.

Upon notice of motion, reply was filed by the respondents stating that though the petitioner has already retired and is entitled for the retiral benefits but as there was a scarcity of the funds under DRDA Administration Scheme, additional funds have been requested for from the Govt. of India and as soon as the said funds are received, the payments will be made. Learned counsel for the respondents states that after the filing of the written statement, all the benefits for which the petitioner was entitled for, have been released alongwith interest.

Learned counsel for the petitioner(s) states that though the retiral benefits alongwith interest in respect of the petitioners in CWP No. 20834 and 20856 of 2016 have been released but in respect of the petitioner in CWP No. 24464 of 2016, the retiral benefits have been released without any interest. Learned counsel for the petitioner(s) states that after the benefits were released to the petitioner in CWP No. 24464 of

2016 and the interest was not paid, he had served upon the respondents a legal notice on 23.10.2018 seeking interest on the delayed payment, as given to the petitioner(s) in other two writ petitions.

Learned counsel for the respondents states that at this stage, she cannot point out as to whether there is any legal notice served by the petitioner(s) or not but she assures that in case any legal notice, as mentioned by the counsel for the petitioner, dated 23.10.2018 has been received on behalf of the petitioner in CWP No. 24464 of 2016, the same will be decided by the respondents within a period of two months from the receipt of copy of this order by passing appropriate orders.

It is directed that while passing the order on the legal notice, the respondents shall keep in mind the law laid down by the Full Bench of this Court in *A.S. Randhawa Vs. State of Punjab, 1997 (3) SCT 468*, as well as the fact that the similarly situated persons, whose pensionary benefits were also withheld by the respondents, payments were released alongwith interest.

Writ petitions are disposed of in above terms.

April 05, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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