

Civil Writ Petition No. 22207 of 2019(O&M)
Date of Decision : 22.08.2019

Kuldeep Singh

... Petitioner

versus

Union of India & Ors.

... Respondents

CORAM:-HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Rahul Jaswal, Advocate
for the petitioner.ARUN MONGA, J(ORAL)

1. Grievance of the petitioner, aged about 71 years, discharged from the rank of Constable way back in the year 2002, is that the respondents have illegally withheld the retiral benefits, including pension, gratuity and computation of pension, whereas no case/ enquiry or departmental proceeding is pending against him. It is stated that in response to the legal notice dated 23.12.2015(Annexure P-3), respondent No.2 has sent a letter dated 11.01.2016(Annexure P-4) apprising the petitioner about non-receipt of pension case of the petitioner from DDO concerned, while respondent No.1 has not adverted to the legal notice till date.

2. Notice of motion.

3. On advance service of copy of the petition, Mr. P.S. Miglani, Advocate puts in appearance on behalf of Union of India.

4. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

5. Without commenting upon the merits of the case, writ petition is disposed of with a direction to respondent No.1 to objectively consider the legal notice dated 23.12.2015 (Annexure P-3) and also by keeping in view the contentions stated in this petition by treating it as a supplementary representation and pass a speaking order, in accordance with law.

6. Let the needful be done within a period of six weeks from the date of receipt of certified copy of this order.

7. In case claim of the petitioner is found to be admissible, as per contentions raised by the petitioner in the petition herein, same shall be disbursed to him within a period of two months of the passing of speaking order. It is made clear that the claim being of pensionary benefits, if there is delay beyond 60 days, the respondents shall be liable to pay punitive interest @ 12% per annum to the petitioner on the pensionary benefits found due to him.

8. Disposed of in above terms.

22.08.2019

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**(ARUN MONGA)
JUDGE**

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| 1. | Whether speaking/ reasoned: | Yes/ No |
| 2. | Whether reportable: | Yes/ No |