

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.22265 of 2019

DATE OF DECISION:22.08.2019

Sudershan

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. S.K. Verma, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the grievance which is being raised by the counsel for the petitioner is that the petitioner was retired from service on 31.03.2019 on attaining the age of superannuation and after the retirement, only the benefit of leave encashment has been paid to the petitioner whereas, provident fund, commuted pension, gratuity and the arrears of the 7th Pay Commission and arrears of 3rd ACP scale as well as the pension are yet to be released to the petitioner.

Counsel for the petitioner argues that there is no impediment in the release of the benefits as stated above as there are no proceedings pending against the petitioner either departmental or before any competent court of law which would entitle the respondents to withhold the pensionary benefits of the petitioner.

Learned counsel for the petitioner states that for the relief

which has been claimed in the present writ petition, petitioner has served the respondents with a legal notice dated 04.06.2019 (Annexure P-3), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to respondent No.3 to decide the legal notice dated 04.06.2019 (Annexure P-3) by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by him in the legal notice dated 04.06.2019 (Annexure P-3), the present writ petition is disposed of with a direction to respondent No.3 to decide the legal notice dated 04.06.2019 (Annexure P-3) within a period of three months from the receipt of certified copy of this order.

In case, it is found that the petitioner is entitled for any monetary benefits after the decision of the legal notice, the same should also be paid to him within three months thereafter.

August 22, 2019
jt

(HARSIMRAN SINGH SETHI)
JUDGE

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