

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

CWP-27873-2017

Date of decision: - 23.05.2019

Ramesh Kumar

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Inderjit Sharma, Advocate,
for the petitioner.

Ms. Deepali Puri Sandhu, Additional Advocate General, Pb.

Mr. Shivam Grover, Advocate
for Mr. Ivan Singh Khosa, Advocate
for respondent No.3.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the grievance of the petitioner is that his retiral benefits are not being released by the respondents without any valid justification.

As per the facts mentioned in the writ petition, petitioner joined as a Clerk with the respondent Municipal Council, Gurdaspur on 01.1.1985 and he continued working as such till he attained the age of superannuation i.e. 31.12.2015. The grievance raised by the petitioner in the present writ petition is that though he retired on 31.12.2015, but his retiral benefits were not released by the respondents and claim in this petition is for the release of the same.

Upon notice of motion, reply has been filed on behalf of the respondent No.3 today in Court and the same is taken on record. A copy thereof has been supplied to counsel for the petitioner.

In paragraph 3 of the reply, it has been mentioned that all the benefits such as leave encashment, gratuity and provident fund have already been released to the petitioner amounting to ₹15,71,330/- .

Counsel for the petitioner states that he has no information about the release of the above-said benefits.

Once, an affidavit has been sworn on behalf of respondent Council about the release of the benefits, it cannot be stated that the said statement is incorrect. Still, in case petitioner has not been paid all the benefits for which he is entitled as mentioned in the reply, he will be at liberty to avail his remedy by filing the appropriate application.

Counsel for the petitioner prays that as the petitioner had retired on 31.12.2015 and the benefits have been released after a period of three years, he is entitled for the interest on the same and therefore, he be given a liberty to file an appropriate representation with the respondents claiming the same and respondents be directed to decide the said claim in a time bound manner.

Counsel for respondent No.3 states that in case, any representation is filed by the petitioner, making a claim for the grant of interest, the same will be decided in accordance with law, within a period of three months from the date of receipt of representation, by passing a speaking order.

Keeping in view the statement made by counsel for

respondent No.3, counsel for the petitioner states that he does not want to press the present writ petition any further as the same has been rendered infructuous and may be disposed of as such.

Ordered accordingly.

May 23, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No