

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.22415 of 2019

DATE OF DECISION:26.08.2019

Som Nath

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. V.K. Shukla, 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 retired on 31.12.2018 but all the benefits for which he was entitled on his retirement have not been released to the petitioner without any valid justification.

Counsel for the petitioner argues that there is no impediment in the release of the pensionary benefits of the petitioner as gratuity and leave encashment, which are still withheld by the respondents 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.

The prayer is made by the petitioner for issuance of direction to the respondents for releasing his pensionary benefits.

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 demand notice dated 03.06.2019 (Annexure P-2) 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 the respondents to decide the demand notice dated 03.06.2019 (Annexure P-2) 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 demand notice dated 03.06.2019 (Annexure P-2), the present writ petition is disposed of with a direction to the respondents to decide the demand notice dated 03.06.2019 (Annexure P-2) 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 demand notice, the same should also be paid to him within three months thereafter.

August 26, 2019

jt

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable : Yes / No