

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

**CWP No. 23949 of 2019
Date of decision : 02.09.2019**

Manish Prashar

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Vinod K. Kaushal, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

As per the averments made in the present writ petition, the father of the petitioner late Sh. Satish Kumar, retired on 30.04.2018 from the post of Junior Engineer.

The retiral benefits were not paid to the father of the petitioner immediately after his retirement and he filed representation with the respondents for releasing his pensionary benefits as the same were being withheld without any valid justification as there were no proceedings pending against the father of the petitioner, which would have entitled the respondents to withhold the pensionary benefits. Unfortunately, Sh. Satish Kumar died on 29.12.2018 and after his death, the pensionary benefits i.e. Leave encashment and gratuity have been released to the petitioner on 13.01.2019 and 09.05.2019 respectively.

Learned counsel for the petitioner states that as there is delay in releasing the pensionary benefits, petitioner is entitled for the interest on the said delayed payments keeping in view the settled principle of law settled by the Full Bench of this Court in **A. S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468.**

Learned counsel for the petitioner further states that for the relief, which has been claimed in the present writ petition, petitioner has served respondents with a legal notice dated 06.06.2019 (Annexure P-6), 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 said legal notice.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 06.06.2019 (Annexure P-6) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order. In case after the decision, it is found that the petitioner is entitled for any monetary benefit, the same shall also be released to him within a period of next three months.

Writ petition stands disposed of accordingly.

September 02, 2019
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

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