

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

(119)

CWP-25988-2019

Date of Decision: September 19, 2019

Resham Singh

.. Petitioner

Versus

Punjab State Civil Supplies Corporation Limited and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amandeep Singh Manaise, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioner argues that though the petitioner retired from service on 31.10.2015 but all his pensionary benefits have not been released despite the fact that there is no impediment in the release of the benefits as there are no proceedings pending against the petitioner either departmental or before any other competent Court of law, which would entitle the respondents to withhold the same.

Learned counsel for the petitioner argues that the benefits have been withheld on account of the poor financial condition of the respondents, which ground is contrary to the law laid down by the Division Bench of this Court in **CWP No.14426 of 2003 titled as Ram Karan Vs. Managing Director, Pepsu Road Transport Corporation and another, decided on 16.08.2005.** Hence, respondents are liable to be directed to immediately release the pensionary benefits to the petitioner such as leave encashment and gratuity alongwith interest which was withheld by the respondents despite the fact that approximately four years have been elapsed since the retirement of the petitioner.

Learned counsel for the petitioner states that for the relief which has been claimed in the present writ petition, the petitioner has served the respondents with a legal notice dated 01.08.2019 (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 the respondents to decide the said legal notice by passing an appropriate speaking order.

Keeping in view the advance notice given, Ms. Brea Sandhu, Advocate appearing on behalf of Ms. Deepali Puri, Advocate, accepts notice on behalf of the respondents and states that the respondents have no objection for the grant of prayer as made by the counsel for the petitioner for deciding the legal notice in a time bound manner 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 01.08.2019 (Annexure P-3), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 01.08.2019 (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.

(HARSIMRAN SINGH SETHI)
JUDGE

September 19, 2019
harsha

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