

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.28353 of 2019

DATE OF DECISION:01.10.2019

Navneet Parkash

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Sonia G. Singh, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Counsel for the petitioner argues that though the petitioner had retired from service on 30.09.2018 and one year has already elapsed but all the benefits for which the petitioner is entitled for after his retirement have not been released so far.

Counsel argues that out of the total sum of approximately ₹22 lacs, only ₹5 lacs have been paid whereas more than ₹17 lacs are still pending to be paid on account of retiral benefits and these are not being paid on the ground that the financial position of the Municipal Council, who are to contribute for the said retiral benefits, is not sound.

Counsel argues that in view of the law laid down by the Division Bench of this Court in **Ram Karan Vs. Managing Director, Pepsu Road Transport Corp. and another**, 2005(3) PLR 580, the

financial constraint is no ground to withhold the pensionary benefits of the petitioner and, therefore, the respondents be directed to release the pensionary benefits of the petitioner forthwith along with interest.

Counsel for the petitioner argues that Nagar Panchayat, Lohian Khaas from where the petitioner retired is not releasing the amount on the ground that as the petitioner had worked in the other Municipal Councils also i.e. Nagar Council, Nawan Shaher, Nagar Panchayat, Shahkot and Nagar Panchayat Mehatpur, who are to contribute for the same but no contribution has been received qua the pensionary benefits of the petitioner and till the same is not received, no benefit can be released to the petitioner.

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 18.06.2019 (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 respondent No.2 i.e. Director, Department of Local Bodies, Civil Secretariat, Punjab to intervene and decide the legal notice dated 18.06.2019 (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 legal notice dated 18.06.2019 (Annexure P-2), the present writ petition is disposed of with a direction to respondent

(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 legal notice, the same should also be paid to him within three months thereafter.

October 01, 2019

jt

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable : Yes / No