

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.31268 of 2019

DATE OF DECISION:30.10.2019

Nanak Chand

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. P.K. Bansal, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Counsel for the petitioner argues that the petitioner attained the age of superannuation on 30.09.2017 and, thereafter, got extension in service for a period of one year and consequently retired from service on 30.09.2018 but the pensionary benefits, in respect of service which the petitioner had rendered with respondents No.4 and 5, 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 benefits as stated above 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 of the petitioner.

The prayer of the petitioner is for issuance of directions to

respondents No.4 and 5 to release the pensionary benefits of the

petitioner along with interest.

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 legal notice dated 02.09.2019 (Annexure P-1), 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 Nos.4 and 5 to decide the legal notice dated 02.09.2019 (Annexure P-1) 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 02.09.2019 (Annexure P-1), the present writ petition is disposed of with a direction to respondents No.4 and 5 to decide the legal notice dated 02.09.2019 (Annexure P-1) 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 30, 2019

jt

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable : Yes / No