

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.31420 of 2019

DATE OF DECISION:31.10.2019

Dr. Samrat Vikram Sahgal

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Pankaj Sharma, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

The grievance which is being raised by the petitioner in the present writ petition is that the petitioner retired from service on attaining the age of superannuation on 31.10.2018 whereas his pensionary benefits were delayed only due to the pendency of the show cause notice, which notice was ultimately withdrawn by the respondents and his pensionary benefits were released from February, 2019 onwards till 25.04.2019.

Counsel for the petitioner argues that as per settled principles of law settled by the Full Bench of this Court in *A.S. Randhawa Vs. State of Punjab, 1997 (3) SCT 468*, an employee is entitled for interest in case the retiral benefits are not released within a period of two months.

Counsel for the petitioner further argues that the pendency of the show cause notice at the time of retirement, which

show cause notice was ultimately withdrawn by the respondents cannot cause prejudice to the petitioner so as to claim the interest on the delayed release of retiral benefits.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 legal notice dated 05.08.2019 (Annexure P-10), 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.3 to decide the legal notice dated 05.08.2019 (Annexure P-10) 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 05.08.2019 (Annexure P-10), the present writ petition is disposed of with a direction to respondent No.3 to decide the legal notice dated 05.08.2019 (Annexure P-10) 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 31, 2019

jt

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable : Yes / No