

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

(115)

CWP-32137-2019

Date of Decision: November 06, 2019

Rachhpal Singh

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Balbir Singh Jaswal, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the grievance of the petitioner is that the adhoc service rendered by the petitioner from 20.12.1988 till 26.03.1992 before the regularization of his services, has not been taken into account as a qualifying service for computing the pensionary benefits.

The second grievance which is being raised by the petitioner is that the petitioner retired from service on 30.06.2018 on attaining the age of superannuation but his General Provident Fund was only released to him in January, 2019 which is beyond two months from the date of retirement and hence cannot be treated as a reasonable time to release the pensionary benefits and therefore, petitioner will be entitled for interest on the delayed release of the said payments keeping in view the law laid down by the Full Bench of this Court in **A.S. Randhawa Vs. State of Punjab, 1997(3) S.C.T. 468.**

The prayer of the petitioner is for directing respondent No.2 to grant the petitioner the benefit of adhoc service rendered from 20.12.1988 to 26.03.1992 as a qualifying service and recompute the pensionary benefits and grant the petitioner the arrears and further the interest on the delayed release of the GPF amount.

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 12.08.2019 (Annexure P-4) 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 to decide the said legal notice 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 12.08.2019 (Annexure P-4), the present writ petition is disposed of with a direction to respondent No.2 to decide the legal notice dated 12.08.2019 (Annexure P-4), 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.

November 06, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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