

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

CWP-33558 of 2019

Date of decision: 19.11.2019

Nachhattar Singh

.... Petitioner

versus

State of Punjab and others

.... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Raj Paul Kansal, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. .

In the present writ petition, the petitioner retired from service on 31.3.2014 after availing extension for a period of one year but retiral benefits, for which the petitioner was entitled were not released to him. Petitioner filed CWP No.21931 of 2017 with the prayer that respondents be directed to release his pensionary benefits, which were being withheld without any valid justification. This Court, vide order dated 26.09.2017, disposed off the said writ petition directing the respondents to pass an appropriate speaking order deciding the legal notice dated 10.07.2017 served by the petitioner within a period of three months from the date of receipt of certified copy of the order. As the respondents failed to comply with order dated 26.09.2017 passed by this Court, the petitioner filed COCP No.575 of 2018 and after issuance of notice in the said contempt petition, an amount of Rs.5,97,740/- on account of leave encashment and Rs.9,34,362/- on account of gratuity was released by the respondents to the petitioner in the month of December, 2018 and March

2019 respectively. Learned counsel for the petitioner argues that as the retiral benefits have been released by the respondents after a period of more than four and half years, the petitioner needs to be compensated by way of grant of interest in view of law settled by Full Bench of this Court in **A.S. Randhawa vs. State of Punjab 1997(3) S.C.T. 468.**

Learned counsel for the petitioner states that for the relief, which is being claimed in the present writ petition, the petitioner has served the respondents with legal notice dated 16.09.2016 (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.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 16.09.2016 (Annexure P/3), by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order. In case after the decision, it is found that the petitioner is entitled for any monetary benefit, the same shall also be released to him within a period of next three months.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

19.11.2019
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| 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable? | Yes/No |