

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

(148)

CWP-34004-2019

Date of Decision: November 21, 2019

Amrik Singh

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Karamjit Verma, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioner submits that though the petitioner has already retired on attaining the age of superannuation on 31.05.2017 but the General Provident Fund as well as leave encashment for which, the petitioner is entitled, after superannuation, have not been released by the respondents so far and that too without any valid justification.

Learned counsel for the petitioner states that there is no impediment in the release of the pensionary benefits of the petitioner as there are no proceedings pending against the petitioner either before the department 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 directing respondent No.2 to release the General Provident Fund as well as leave encashment forthwith.

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 13.08.2019 (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 13.08.2019 (Annexure P-4), the present writ petition is disposed of with a direction to respondent No.2 to decide the legal notice dated 13.08.2019 (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 21, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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