

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-33933-2019

Date of decision: - 21.11.2019

Pawan Kumar

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: - Mr. Nikhil Mittal, Advocate
for Mr. Vijay Rana, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

The claim in the present writ petition is that petitioner retired on attaining the age of superannuation on 30.06.2017, but the retiral benefits were released starting from November, 2017 onwards and therefore, keeping in view the law laid down by a Full Bench of this Court in A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468, that the retiral benefits are to be released within a period of two months from retirement in case there is no impediment and in case, there is delay, employee will be entitled for interest, therefore, the petitioner is entitled for interest on the delayed release of his pensionary benefits.

Counsel for the petitioner prays that a direction be issued to the respondents to grant the petitioner the interest on the delayed payments as per the above-said settled principle of law.

Counsel for the petitioner states that for the relief, which is being claimed by the petitioner in the present writ petition, petitioner has served the respondents with a legal notice dated 22.04.2019 (Annexure P-2), which is still pending consideration with the respondents and the petitioners 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 22.04.2019 (Annexure P-2) 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

November 21, 2019
naresh.k

Whether reasoned/speaking?

Yes

Whether reportable?

No