

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(111)

CWP No. 34503 of 2019

Date of Decision : 27.11.2019

Assa Ram

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Surinder Garg, Advocate with
Mr. A.P.S. Sidhu, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner argues that petitioner has already retired on attaining the age of superannuation on 30.04.2019 but all his pensionary benefits for which he became entitled on his retirement, have not been released by the respondents so far without any valid justification. Learned counsel argues that even the service, which the petitioner had rendered from 22.04.1988 till June, 1991, has not been taken into account as a qualifying service while calculating the pensionary benefits on the ground that the CPF of the petitioner was not deducted for the said period and, therefore, same cannot be taken into account. Learned counsel for the petitioner states that even the arrears of the revised pay scale w.e.f. 01.01.2006 have not been released to the petitioner while in service, though

prayer of the petitioner is for issuance of a direction to the respondents to release the pensionary benefits by taking into consideration the total length of service as a qualifying service alongwith interest and also release the arrears of revised pay with interest.

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 12.10.2019 (Annexure P-2), 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 said legal notice.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioner, respondent No. 3 is directed to decide the legal notice dated 12.10.2019 (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.

Writ petition stands disposed of accordingly.

November 27, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes/No*
Whether reportable? *Yes/No*