

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

**CWP No.35604 of 2019 (O&M)
Date of decision : December 09, 2019**

Goma Devi

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that the petitioner was retired from service on attaining the age of superannuation on 30.09.2018, but all the pensionary benefits for which the petitioner became entitled in respect of the service rendered by the petitioner with the respondent-Municipal Council from 01.07.1978 till 30.09.2018, have not been released to the petitioner and that too without any valid justification. Learned counsel for the petitioner argues that there is no impediment in the release of the pensionary benefits of the petitioner as there are no proceedings pending against her either departmental or before any Court of law, which would entitle the respondents to withhold her pensionary benefits.

Learned counsel for the petitioner further argues that out of the total amount of retiral benefits amounting to ₹13,78,679/-, only a sum of Rs.6,50,000/- has been released to the petitioner, whereas remaining amount of Rs.7,28,679/- is being withheld by the respondent without any valid justification though more than one year has been elapsed since retirement of the petitioner.

Prayer of the petitioner in the present writ petition is for issuance of direction to respondent No.4-Municipal Council, Raman, Bathinda to immediately release all the pending benefits of the petitioner.

Counsel for the petitioner states that for the relief, which has been sought in the present writ petition, petitioner has served a legal notice dated 04.11.2019 (Annexure P-2) to the respondents, 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 by passing an appropriate speaking order in accordance with law.

In view of the above, without expressing any opinion on the merits of the case or the claim as being raised in legal notice dated 04.11.2019 (Annexure P-2), the present writ petition is disposed of by directing the respondents to decide the claim of the petitioner as raised in the legal notice (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 of the legal notice (Annexure P-2), it is found that the petitioner is entitled for any monetary benefit, the same shall also be released to her within a period of next three months.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

December 09, 2019

sarita

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No