

112 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.35980 of 2019 (O&M)
Date of decision : December 12, 2019

Satya

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Madhu Sharma, Advocate for
Mr. MJS Bedi, Advocate for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner submits that though, the petitioner has already retired from the services of respondent No.4- Municipal Council, Rampura Phul, District Bathinda, Punjab, on attaining the age of superannuation on 31.05.2019 but all the retiral benefits for which the petitioner is entitled after retirement, except the payment of Rs.4 lacs, have been withheld by the respondents and that too without any valid justification.

Learned counsel for the petitioner further submits that there are no proceedings which are pending against the petitioner either before the department or before any other competent Court of law, which would entitle the respondents to withhold her pensionary benefits. Counsel argues that as per the law settled by the Full Bench of this Court in case of “**A.S. Randhawa vs State of Punjab**”, 1997(3) SCT 468, the respondents are bound to release the pensionary benefits to the petitioner within a period of

two months of the retirement, in case there is no impediment in the release of the same. Prayer of the petitioner is for issuance of a direction to respondent Nos.3 and 4 to release all the pensionary benefits to the petitioner forthwith.

Counsel for the petitioner states that for the relief which has been sought in the present writ petition, petitioner has served upon the respondents a legal notice dated 04.11.2019 (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 Nos.3 and 4 to decide the same by passing an appropriate speaking order in accordance with law.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, respondent Nos.3 and 4 are directed to decide the legal notice 04.11.2019 (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 her within a period of next three months.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

December 12, 2019

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No