

**CM No. 530-CWP-2020 in/and
CWP No. 211 of 2020**

1

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

**(128) CM No. 530-CWP-2020 in/and
CWP No. 211 of 2020
Date of Decision : 15.01.2020**

Karnail Singh

....Petitioner

Versus

Punjab State and others

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. H.K. Brinda, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

CM-530-CWP-2020

Present application has been filed for placing on record legal notice dated 17.10.2019 as Annexure P-1.

Application is allowed. Annexure P-1 is taken on record.

CWP-211-2020

Learned counsel for the petitioner states that petitioner retired from service on attaining the age of superannuation on 31.05.2018 after availing two years extension but all his pensionary benefits have not been released to him. Learned counsel further states that 90% of the gratuity and leave encashment were released to the petitioner in March, 2019 and remaining 10% of the gratuity amount as well as leave encashment and total

amount of GPF is yet to be released by the respondents as the same is being withheld by the respondents and that too without any valid justification as there are no proceedings either Departmental or before any Competent Court of Law pending against the petitioner, which would entitle the respondents to withhold the pensionary benefits.

Learned counsel for the petitioner further states that even the arrears of pay after the revision as well as reimbursement of the medical bills are also pending with the respondents, which are not being released.

Counsel further argues that petitioner is also entitled for interest on the delayed release of pensionary benefits keeping in view the law laid down by the Full Bench of this Court in ***A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468***. The prayer of the petitioner is for issuance of a direction to the respondents to release his pensionary benefits, arrears of salary as well as reimbursement of the medical bills.

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 17.10.2019 (Annexure P-1), 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.

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. 2 is directed to decide the legal notice dated 17.10.2019 (Annexure P-1) 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.

January 15, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

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