

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-461-2020

Date of decision: - 13.01.2020

Sat Pal Angurala

....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: - Mr. Dhiraj Chawla, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Learned counsel for the petitioner at the time of hearing states that petitioner does not wish to press the prayer for the release of amount of ₹2,50,000/-, which has been deducted by the respondents from his pensionary benefits.

Learned counsel for the petitioner argues that after the petitioner attained the age of superannuation and retired from service on 10.07.2014, he was entitled for the release of the pensionary benefits within a reasonable time, but leave encashment as well as gratuity of the petitioner amounting to ₹19,35,450/- were released on 08.09.2015 i.e. after an expiry of more than one year of the retirement and therefore, 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, petitioner is entitled for the interest on the delayed release of the leave encashment and gratuity. The prayer of the petitioner is for directing the

respondents to release the interest on the payments of amount of leave encashment and gratuity, which have been released after an inordinate delay.

Counsel for the petitioner states that for the relief, which is being claimed in the present writ petition, petitioner has served the respondents with a legal notice dated 04.02.2019 (Annexure P-10), 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.

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 04.02.2019 (Annexure P-10) 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.

It is made clear that the claim in above-said legal notice with regard to the recovery of the amount has already been given up by the petitioner and his claim only for the grant of interest shall be decided.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

January 13, 2020
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Whether reasoned/speaking?	Yes
Whether reportable?	No