

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

CWP-671 of 2020

Date of decision: 05.02.2020

Tejinder Singh Gandhok

.... Petitioner

versus

Punjab and Sind Bank and others

... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. H.C. Arora, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J.

Learned counsel for the petitioner inter alia argues that petitioner is entitled for interest on the delayed release of pensionary benefits as the petitioner retired in the year 2006 but, his pensionary benefits were released in the year 2018 i.e. after the delay of 12 years. Prayer of the petitioner is for issuance of direction to the respondents to grant him interest on the delayed release of his pensionary benefits.

On being pointed out that the petitioner had given an undertaking before the respondents not to claim interest, therefore, how the prayer of the petitioner for grant of interest is maintainable, learned counsel for the petitioner argues that the said undertaking was coerced upon the petitioner and, hence, cannot be treated as undertaking to deny the benefit of interest to the petitioner.

This argument of the learned counsel for the petitioner raises

disputed question of fact, as to whether or not the petitioner was coerced into giving undertaking that he will not claim interest. This Court under Article 226 of Constitution of India cannot decide the disputed question of facts.

Faced with this situation, learned counsel for the petitioner prays that he be allowed to withdraw the present writ petition with liberty to approach the Civil Court for the redressal of the grievance of the petitioner as raised in the present writ petition.

Dismissed as withdrawn with liberty as prayed for.

(HARSIMRAN SINGH SETHI)
JUDGE

05.02.2020.
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| 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable? | Yes/No |