

138 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.1355 of 2020 (O&M)
Date of decision : January 20, 2020

Umesh Arora @ Umesh Kumar Petitioner

Versus

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Joginder Siwach, Advocate for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner states that though, the petitioner has already retired from service on attaining the age of superannuation on 31.08.2018, but all the pensionary benefits have not been released to him by the respondents and that too without any valid justification.

Learned counsel for the petitioner further states that the part payment of the pensionary benefits was released by the respondents and that too from November, 2018 onwards till November, 2019.

Learned counsel further states that the leave encashment and the full gratuity are yet to be released. Prayer of the petitioner is that as there are no proceedings pending against him and there is no impediment in the release of the pensionary benefits, which would entitle the respondents to withhold the pensionary benefits of the petitioner.

Learned counsel for the petitioner argues that keeping in view the law laid down by the Full Bench of this Court in case of “**A.S. Randhawa vs State of Punjab**”, 1997(3) SCT 468, the petitioner was entitled for the release of pensionary benefits within a period of two months

from his retirement and as the same has not been done by the respondents, the petitioner is entitled for the interest as well.

Counsel for the petitioner states that for the relief which has been sought in the present writ petition, petitioner has submitted representation dated 29.11.2019 (Annexure P-2) with respondent No.4, 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.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 No.4 is directed to decide the representation dated 29.11.2019 (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 him within a period of next three months.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

January 20, 2020

sarita

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No