

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-2474-2020

Date of decision: - 30.01.2020

Rajinder Kaur

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: - Mr. Raj Paul Kansal, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the grievance which is being raised by the petitioner is that he has retired from the post of Principal on 30.06.2016 on attaining the age of superannuation and is entitled for the relief of the pensionary benefits within a reasonable time of the retirement, but the release of the pensionary benefits was delayed by the respondents and that too without any justifiable cause, hence, petitioner is entitled for the grant of interest.

Learned counsel for the petitioner argues that 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, in case the retiral benefits are not released within a reasonable time after the retirement, employee is to be compensated by the grant of interest and the

reasonable time for release of the pensionary benefits fixed by the Full Bench in A.S. Randhawa's case (supra) is too months after the retirement, in case there is no impediment.

Learned counsel for the petitioner states that there was no impediment in the release of the pensionary benefits of the petitioner as there were no pending proceedings against her either departmental or in any competent Court of Law, which would entitle the respondents to withhold the pensionary benefits.

Learned counsel for the petitioner argues that in the present case as the gratuity was released to the petitioner on 05.11.2016, GIS was released on 02.11.2016 and the amount in respect of leave encashment was released on 12.01.2017, the pensionary benefits of the petitioner were delayed beyond the reasonable time limit fixed and therefore, the petitioner is entitled for interest on the delayed release of the pensionary benefits.

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 18.10.2019 (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 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 18.10.2019 (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.

January 30, 2020
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No