

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

**CWP No.1657 of 2020 (O&M)
Date of decision : January 22, 2020**

Jaswinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Puneet Kumar Bansal, Advocate for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner states that the petitioner was employed with the Municipal Council, Ferozepur, initially as a Fireman and thereafter as a Leading Fireman and the petitioner rendered continuous service with the respondent-Council from July, 1980 till 30.09.2019, when he retired on attaining the age of superannuation.

Learned counsel for the petitioner further states that during the service, 10% of the basic salary was deducted every month as Provident Fund from his salary. But after the retirement, the benefit of Provident Fund (i.e. both employer's share as well as employee's share), for which the petitioner was entitled, have not been released to the petitioner and that too without any valid justification.

Learned counsel for the petitioner further states that even the gratuity, leave encashment as well as the pension for which the petitioner is entitled after his retirement, have been withheld by the respondents without any valid justification. There are no proceedings pending against the petitioner, which would entitle the respondent-Municipal Council to withhold the pensionary benefits of the petitioner. Prayer of the petitioner is

for issuance of a direction to the Municipal Council, Ferozepur to release all the pensionary benefits of the petitioner forthwith.

Counsel for the petitioner states that for the relief which has been sought in the present writ petition, petitioner had already served a legal notice dated 13.11.2019 (Annexure P-1) upon the respondents, which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, if a time bound direction is issued to respondent No.3 and respondent No.4 to decide the same by passing an appropriate speaking order, in accordance with law.

Learned counsel for the petitioner states that a direction to respondent No.3 is needed as the pension is to be released by respondent No.3 whereas, the other benefits are to be released by respondent No.4.

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 13.11.2019 (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.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

January 22, 2020

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No