

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

**CWP No.1871 of 2020 (O&M)
Date of decision : January 24, 2020**

Manmohan

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Surinder Garg, Advocate for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Present writ petition is filed for seeking the release of the pensionary benefits as well as arrears for the revised pay including arrears of dearness allowance, for which the petitioner is entitled to in respect of his services as Safai Sewak, which he had rendered with the respondents from 01.06.1979 till 31.05.2019 on attaining the age of superannuation.

Learned counsel for the petitioner argues that despite the fact that there is no impediment in the release of the pensionary benefits of the petitioner as there are no proceedings pending against the petitioner either before the departmental or any competent Court of law, which would entitle the respondents to withhold the pensionary benefits of the petitioner but still after a lapse of near about eight months since the retirement of the petitioner, pensionary benefits have not been released to him by the respondents and the same are being withheld without any valid justification.

Prayer of the petitioner is for the issuance of a direction to the respondents to release the pensionary benefits to the petitioner, for which he is entitled to in respect of his services including arrears of salary.

Counsel for the petitioner states that for the relief which has been sought in the present writ petition, petitioner has served upon the respondents a legal notice dated 10.12.2019 (Annexure P-2), 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 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 on the claim being made by the petitioner, respondent No.3 is directed to decide the legal notice dated 10.12.2019 (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 24, 2020

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No