

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

**CWP No.2344 of 2020 (O&M)
Date of decision : January 29, 2020**

Sawinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Vinod Kumar Kaushal, Advocate for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner states that though the petitioner retired from service on 31.03.2016 after availing two years of extension, but the pensionary benefits were not released to him within the reasonable time after his retirement.

Learned counsel for the petitioner argues that the amount of gratuity was released to the petitioner on 03.12.2016; that the amount of GPF was released to him on 13.12.2017 and the amount of GIS was released to him on 07.02.2018 and the amount of leave encashment is still due to be released by the respondents.

Learned counsel for the petitioner further argues that there is no impediment in the release of the leave encashment but the same is being withheld by the respondents in a totally illegal and arbitrary manner. Further, keeping in view the settled principle of law as laid down by the Full Bench of this Court in case of “*A.S. Randhawa vs State of Punjab*”, 1997 (3) SCT 468, petitioner be granted interest on the delayed release of pensionary benefits. Prayer of the petitioner is issuance of a direction to

respondent No.3 to release the amount of leave and encashment and interest on the delayed release of other pensionary benefits.

Counsel for the petitioner states that for the relief which has been sought in the present writ petition, petitioner has served upon a legal notice dated 10.10.2019 (Annexure P-3) 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 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 10.10.2019 (Annexure P-3), 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 29, 2020

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No