

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-6817-2020

Date of decision: - 17.03.2020

Balwinder Kumar Garg

....Petitioner

Versus

The State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: - Mr. J.S. Jaidka, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

The prayer of the petitioner in the present writ petition is that though he retired on 31.03.2019 on attaining the age of superannuation, but he has not been paid the gratuity for which he is entitled as the maximum ceiling for gratuity was enhanced to ₹20 lacs by the Government of India vide notification dated 29.03.2018 (Annexure P-2).

Further prayer of the petitioner is that release of his pensionary benefits were delayed by the respondents without any valid justification and the same were only released to him after a period of five months and five days of his retirement, hence, keeping in view the judgment of the Full Bench of this Court in **A.S. Randhawa Vs. State of Punjab and others**, 1997(3) SCT 468, wherein it has been held that the pensionary benefits of an employee are to be released within a reasonable

time and the reasonable time fixed is two months after the retirement and in case of default, employee needs to be compensated by the grant of interest, petitioner needs to be compensated for the delay in the release of the pensionary benefits by awarding the interest.

Counsel for the petitioner further states that for the relief, which has been sought in the present writ petition, petitioner has submitted the representation dated 12.01.2020 (Annexure P-3), 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 representation.

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 representation dated 12.01.2020 (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.

Present writ petition stands disposed of.

March 17, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

<i>Whether reasoned/speaking?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>No</i>