

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

**CWP No.7604 of 2020 (O&M)
Date of decision : June 02, 2020**

Sanjay Goel

..... Petitioner

Versus

The State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Jagdish Manchanda, Advocate for the petitioner.

Ms. Shruti Jain, DAG, Haryana.

(keeping in view the advance copy given)

HARSIMRAN SINGH SETHI J. (ORAL)

The petition has been taken for hearing through video conference due to Covid-19 pandemic.

CM-4935-CWP-2020

Application is allowed as prayed for.

CWP-7604-2020

Learned counsel for the petitioner submits that the petitioner has already retired from service on attaining the age of superannuation on 31.07.2019 but the retiral benefits for which the petitioner is entitled, have not been released to him so far except an amount of Rs.5 lacs, though the total amount for which the petitioner is entitled is around Rs.18 lacs.

Learned counsel for the petitioner further argues that there is no impediment in the release of the pensionary benefits of the petitioner as there are no proceedings pending against him either before the Department or before any competent Court of law, which gives jurisdiction to the respondents to withhold the pensionary benefits of the petitioner. The prayer of the petitioner is for issuance of a direction to the respondent-Municipal Corporation to release all the pensionary benefits to him along with interest forthwith.

Counsel for the petitioner states that for the relief which has been sought in the present writ petition, petitioner has already approached the Municipal Corporation and submitted a representation dated 23.04.2020 (Annexure P-1) and thereafter another representation on 11.05.2020 (Annexure P-2), which are 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 representations Annexures P-1 and P-2 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 representations dated 23.04.2020 and 11.05.2020 (Annexures P-1 and P-2 respectively), by passing a speaking order within a period of two 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 two months.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)

JUDGE

June 02, 2020

sarita

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No