

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

CWP-8538-2020
Decided on : 24.06.2020

Raj Kumar

..... Petitioner

Versus

State of Punjab & ors.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gagneshwar Walia, Advocate
for the petitioner.

Manjari Nehru Kaul, J.

On account of outbreak of Covid-19 pandemic, the matter is taken up through video conferencing.

The present petition has been filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to release the retiral benefits along with other admissible benefits with interest @ 18% per annum.

The petitioner superannuated on 31.12.2019 from the post of Sweeper after completion of 39 years of unblemished service in Municipal Council, Kotkapura. On the date of his retirement, no disciplinary proceedings or audit objections were pending against him. All the requisite formalities pertaining to his retiral dues were completed by the petitioner in time, however, even after a lapse of more than five months from the date of his retirement, his retiral benefits including pension, commuted pension, gratuity, leave encashment, provident fund had not been released to him.

The petitioner avers that despite repeatedly approaching the respondents both orally and in writing including sending a legal notice dated 12.03.2020 (Annexure P-2), the respondents had not taken any action and had been behaving in an arbitrary manner by sitting over his papers pertaining to retiral benefits. The petitioner also avers that after his retirement he has no other source of livelihood and he had been only banking on his retiral and pensionary benefits, which too are now being denied to him.

Notice of motion.

On the asking of Court, Ms. Deepali Puri, Addl. AG, Punjab accepts notice on behalf of the respondent-State.

Heard.

It cannot be over emphasised that in the absence of any legal impediment, the retiral and pensionary benefits cannot and should not be denied to a retired employee. Withholding of pensionary benefits just reflects insensitivity and callous attitude of the respondents towards their retired employees.

Moreover, it is incumbent upon the employer to ensure that retiral dues are disbursed expeditiously to the retired employee and tardiness in government procedures cannot be countenanced.

Without going into the merits of the case, the present writ petition is disposed off with a direction to the respondents to consider and decide the legal notice dated 12.03.2020 (Annexure P-2) also bearing in mind the contentions raised in the instant writ petition and the law laid down in *A.S.Randhawa vs. State of Punjab, 1997(3) SCT 468* within a period of two months from the date of receipt of certified copy of this order,

with a further direction that if the petitioner is found entitled to any amount the same be released to him within a period of one month thereafter.

Accordingly, the present petition stand disposed of.

(MANJARI NEHRU KAUL)
JUDGE

24.06.2020
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Whether speaking/reasoned:	Yes
Whether reportable :	Yes