

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(217)

CWP No. 10898 of 2017
Date of Decision : 12.02.2020

Neelam Devi

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Kuljit Singh, Advocate for
Mr. Peeush Gagneja, Advocate for the petitioner.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab.

Mr. Vishnav Gandhi, Advocate for respondent No. 5.

Harsimran Singh Sethi, J. (Oral)

Learned counsel appearing on behalf of the petitioner states that though the petitioner had retired on attaining the age of superannuation on 30.06.2016 but even after an expiry of more than three and half years since her retirement, pensionary benefits for which the petitioner is entitled, have not been released to her. Learned counsel further states that there is no impediment in the release of the pensionary benefits as there are no proceedings pending against the petitioner either departmental or before any Competent Court of Law, which would entitle the respondents to withhold the pensionary benefits.

Learned counsel argues that as there is a delay which is attributable to the respondents and is also beyond the reasonable time fixed by the Full Bench of this Court in ***A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468***, petitioner is also entitled for interest on the delay in release of said payments, which became due to the petitioner upon his

retirement on 30.06.2016. The prayer of the petitioner is for issuance of a direction to the respondents to release all the payments for which she is entitled for as well as interest on the delayed payments forthwith.

Learned counsel for the petitioner states that for the release of the pensionary benefits, petitioner has already served a legal notice dated 03.02.2017 (Annexure P-2) upon respondent No. 5, which is still pending consideration and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to respondent No. 5 to decide the said legal notice by passing an appropriate speaking order in a time bound manner.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioner, respondent No. 5 is directed to decide the legal notice dated 03.02.2017 (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 her within a period of next three months.

It is directed that while disposing of the legal notice, respondent No. 5 will also consider the claim of the petitioner for the grant of interest keeping in view the law laid down by the Full Bench of this Court in *A.S. Randhawa's case (supra)* and appropriate order in that regard will also be passed.

Writ petition stands disposed of accordingly.

February 12, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *No*