

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(112)

CWP No. 93 of 2020

Date of Decision : 10.01.2020

Rajesh Kumar

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Saajan Singla, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

In the present writ petition, the claim of the petitioner is that though he retired on 28.02.2017 after availing two years extension but the retiral benefits except monthly pension for a period of five months, were not released to him within reasonable time after the retirement despite the fact that there was no impediment in the release of the same.

Learned counsel for the petitioner argues that keeping in view the settled principle of law settled by a Full Bench of this Court in ***A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468***, in case the retiral benefits are not released within a period of two months from the date of retirement, an employee needs to be compensated by award of interest and, therefore, as in the present writ petition the retiral benefits were released after a period of two months after the retirement and that too

without there being any impediment, petitioner will be entitled for interest.

Learned counsel for the petitioner states that for the relief, which has been claimed in the present writ petition, petitioner has served the respondents with a legal notice dated 21.08.2019 (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 respondent No. 2 to decide the said legal notice by passing an appropriate speaking order.

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. 2 is directed to decide the legal notice dated 21.08.2019 (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.

Writ petition stands disposed of accordingly.

January 10, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

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