

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(106)

CWP No. 1395 of 2021
Date of Decision : 22.01.2021

Bhinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

(through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rakesh Sobti, Advocate for the petitioner.

Harsimran Singh Sethi J. (Oral)

Learned counsel for the petitioner submits that petitioner retired from service after attaining the age of 60 years on 29.02.2016. Learned counsel for the petitioner argues that despite the fact that as per the settled principles of law, the retiral benefits of an employee are to be released within a reasonable time of two months, the same were not being released within the said period and the petitioner was forced to serve a legal notice dated 06.02.2018 (Annexure P-5) upon the respondents for the release of his pensionary benefits alongwith interest.

Learned counsel for the petitioner further submits that after the serving of the legal notice, the retiral benefits of the petitioner have been released to him in the year 2019-2020 but he has not been granted interest on the delayed payments though, the delay in releasing the retiral benefits was entirely attributable to the respondents and as per the settled principles of law settled by the Full Bench of this Court in *A.S. Randhawa Vs. State of Punjab, 1997(3) SCT 468*, the petitioner is entitled for interest.

Learned counsel prays that petitioner had demanded the interest as well in the legal notice dated 06.02.2018 (Annexure P-5) and, therefore, the petitioner will be satisfied, in case a direction is issued to the respondents to pass a speaking order on the legal notice qua the aspect of interest keeping in view the delayed release of the pensionary benefits.

Notice of motion.

Mr. Charanpreet Singh, learned Assistant Advocate General, Punjab, who has also joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent-State and raises no objection for deciding the legal notice dated 06.02.2018 (Annexure P-5) in respect of the claim of interest, in a time bound manner by passing an appropriate speaking order.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, respondent No. 2 is directed to decide the legal notice dated 06.02.2018 (Annexure P-5) qua the aspect of interest by passing a speaking order within a period of three months from the receipt of copy of this order. In case, it is found that the petitioner is entitled for the monetary benefits after the decision of the legal notice, the same should also be paid to the petitioner within three months thereafter.

Present writ petition stands disposed of.

January 22, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No