

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

(137)

CWP No. 13772-2021

Date of Decision : 27.07.2021

Murari Lal Sharma

....Petitioner

Versus

State of Punjab and others

.....Respondents

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Rahul Arora, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner submits that though the petitioner has retired on attaining the age of superannuation on 30.09.2020 but all the pensionary benefits for which the petitioner is entitled for, have not been released to him including the gratuity, leave encashment and lump sum payment of the commuted pension. Learned counsel for the petitioner argues that there are no proceedings pending against the petitioner either before the department or before any other competent Court of law, which would entitle the withholding of the pensionary benefits of the petitioner and, therefore, respondents are liable to be directed to release the pensionary benefits of the petitioner forthwith.

Learned counsel further submits that for the relief claimed in

the present petition, the petitioner has already approached respondent No. 2

by serving a legal notice dated 14.04.2021 (Annexure P-2), which is still pending consideration with the respondents and petitioner will be satisfied, at this stage, in case a time bound direction is issued to respondent No. 2 to decide the same by passing appropriate speaking order.

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. Learned State counsel raises no objection in deciding the legal notice dated 14.04.2021 (Annexure P-2) 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 in the legal notice dated 14.04.2021 (Annexure P-2), respondent No. 2 is directed to decide the legal notice dated 14.04.2021 (Annexure P-2) 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 one month thereafter.

Present writ petition stands disposed of.

July 27, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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