

(In virtual Court)

CWP No.15833 of 2021 (O&M)

Date of Decision: 18.08.2021

Yash Pal Kalra

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Rajesh Arora, Advocate for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to release the retiral benefits including the pension, gratuity, leave encashment, commutation etc. in favour of the petitioner along with interest @ 18% per annum on the delayed payment of retiral benefits.

It is submitted by learned counsel for the petitioner that the petitioner retired on 31.12.2015 after rendering approximately 29 years of qualifying service as regular employee with the respondent-department. However, his retiral benefits have not been released to him so far.

Notice of motion.

Mr. Harish Rathee, Deputy Advocate General, Haryana, accepts notice on behalf of the respondents.

It is submitted by learned counsel for the respondents that as per the record of the department, the petitioner had never even submitted his pension papers despite being asked way back in July, 2015. Thereafter, even the reminder was sent to the petitioner in the year 2018. However, still the petitioner has not come forward to complete his pension papers.

As response to this, learned counsel for the petitioner has submitted that the petitioner submitted the pension papers along with forwarding letter dated 01.10.2018, which is attached as Annexure P-6 with the present petition.

Having perused the said papers, this Court finds that the letter dated 01.10.2018, vide which the petitioner claims to have submitted his pension papers; is not addressed to the appropriate authority. It appears that the petitioner has sent; whatever papers he thought appropriate; to the Accountant General; without sending the same to the department from which he has retired. Hence, the assertions of the state counsel that the petitioner has not submitted the pension papers so far gets credence.

In view of the same, this Court does not find any substance in the present writ petition, the same is dismissed accordingly.

However, the petitioner would be at liberty to submit his pension papers for consideration of the respondent-department, in accordance with law.

(RAJBIR SEHRAWAT)
JUDGE

18.08.2021
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Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No