

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-2798-2022

Date of decision : 15.07.2022

POONAM BHARGAVA

..... Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Dr. Sumati Jund, Advocate
for the petitioner.

Mr. S. S. Mann, Additional AG, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

Learned counsel for the petitioner argues that the petitioner retired on 30.09.2021 on attaining the age of superannuation but the pensionary benefits admissible to the petitioner have not been released and that too without any valid justification.

Learned counsel for the petitioner argues that as per the judgment rendered by Full Bench of this Court in **A. S. Randhawa Vs. State of Punjab and others**", 1997 (3) SCT 468, an employee is entitled for release of pensionary benefits within a period of two months of retirement in case there is no impediment failing which, the employee is entitled for the grant of interest. Learned counsel submits that keeping in view the fact that there is no impediment in the present case, the respondents are under an obligation to release the pensionary benefits to the petitioner along with interest.

Learned counsel for the petitioner submits that the grievance which has been raised by the petitioner in the present petition has already been raised, in the legal notice dated 21.01.2022, a copy of which has been appended as Annexure P-1 and the petitioner will be satisfied at this stage in

case a time bound direction is given to the respondents to decide the same.

Learned State counsel on instructions from Luxmi (Assistant) submits that there are disciplinary proceedings pending against the petitioner due to which, certain pensionary benefits have been withheld but all other benefits for which the petitioner is entitled for have already been released to her and therefore, the prayer of the petitioner as raised in the present petition may kindly be rejected.

At this stage, learned counsel for the petitioner submits that the benefits which the respondents were under an obligation to release, should have been released within a period of two months of the retirement to the petitioner, which were delayed by the respondents and therefore, the petitioner is entitled for the grant of interest on the benefit which has already been released as the said delay is attributable to the respondents.

Learned counsel for the respondents submits that the said issue has been raised by the petitioner in her legal notice, which will be decided by the department qua the grant of interest on the delayed release of payment by passing appropriate speaking order within a period of eight weeks from the receipt of a copy of this order.

Learned counsel for the petitioner submits that keeping in view the statement of learned State counsel no further grievance of the petitioner survives in the present petition and the same may kindly be disposed of as having been not pressed any further.

Ordered accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

15.07.2022
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Whether speaking/reasoned	Yes
Whether Reportable :	No