

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(110)

CWP No. 4860 of 2022

Date of decision : 11.03.2022

Pawan Kumar

...Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed for issuance of a direction to the respondents to release the pensionary benefits of the petitioner, which have been withheld by the respondents without any valid justification.

Learned counsel for the petitioner argues that the petitioner has already retired on attaining the age of superannuation on 02.07.2021 after he was extended the concession of voluntary retirement but the benefits for the service rendered by him, for which he was entitled for, has not been released by the respondents so far despite the fact that more than 8 months have elapsed since the date the petitioner has retired. Learned counsel for the petitioner submits that there is no impediment for the release of the pensionary benefits of the petitioner hence, keeping in view the judgment of Full Bench of this Court in **A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468**, the pensionary benefits should have been released within a period of two months of the retirement.

Learned counsel for the petitioner submits that for the relief,

which has been claimed in the present writ petition, petitioner has served respondents with a legal notice dated 27.01.2022 (Annexure P-5), 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 the respondents to decide the said legal notice.

Notice of motion.

Mr. Navdeep Chhabra, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, accepts notice on behalf of the respondent-State and raises no objection for the grant of prayer as raised in the present petition.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioner, respondents No. 2 and 3 are directed to decide the legal notice dated 27.01.2022 (Annexure P-5) by passing a speaking order within a period of eight weeks 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 four weeks thereafter.

Writ petition stands disposed of accordingly.

March 11, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes/No*

Whether reportable? *Yes/No*