

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

(121)

CWP-4737-2022

Date of Decision : March 10, 2022

Tarsem Kumar

.. Petitioner

Versus

Punjab State Power Corporation Limited and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rahul Bhargava, Advocate, for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that in the present case, the petitioner has already retired from the service on attaining the age of superannuation on 30.09.2020 and despite the fact that more than one and half year has already elapsed but the pensionary benefits for which the petitioner is entitled for, have not been released to him. Learned counsel for the petitioner submits that as per the judgment of the Full Bench of this Court in **A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468**, an employee has to get his pensionary benefits within a period of two months of his retirement unless and until there is any impediment. Learned counsel for the petitioner further submits that in the present case, there is no impediment in release of the pensionary benefits of the petitioner as there are no proceedings pending against the petitioner either before the department or any other competent Court of law which will give jurisdiction

to the respondents to withhold his pensionary benefits and therefore, appropriate direction be issued to the respondents to release the pensionary benefits of the petitioner without any further delay along with the interest for the delay occurred. Learned counsel for the petitioner further submits that for the relief which has been claimed in the present petition, the petitioner has already served a legal notice dated 30.11.2021 (Annexure P-4) upon the respondents and the petitioner will be satisfied at this stage in case a time bound direction is issued to respondent No.1 to decide the said legal notice by passing an appropriate speaking order.

Notice of motion.

On asking of the Court, Mr. Navdeep Chhabra, learned Deputy Advocate General, Punjab, accepts notice on behalf of the respondents-State.

Learned counsel for the respondents raises no objection in deciding the legal notice dated 30.11.2021 (Annexure P-4) of the petitioner in a time bound manner by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by him in the legal notice dated 30.11.2021 (Annexure P-4), the present writ petition is disposed of with a direction to respondent No.1 to decide the legal notice dated 30.11.2021 (Annexure P-4) within a period of eight weeks from the date of receipt of copy of this order.

March 10, 2022

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No