

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

(120)

CWP No. 4551 of 2022

Date of Decision : 08.03.2022

Brij Lal

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Peeush Gagneja, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed with a prayer that an appropriate direction be issued to the respondents for the release of the amount of revised pension/retiral dues along with interest keeping in view the works, which have been executed by the petitioner in the State of Punjab.

Learned counsel for the petitioner argues that though the petitioner has already attained the age of superannuation on 31.08.2021 and retired while working in Municipal Corporation but, all the retiral benefits available to the petitioner have not been released except a sum of Rs. 4,16,000/-. Learned counsel for the petitioner submits that there is no impediment in the release of the pensionary benefits of the petitioner as there are no criminal proceedings pending against the petitioner either before any department or any competent Court of Law, which would have entitled the respondents to withhold the pensionary benefits. 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, wherein, it has been held that employees are entitled for the release of their pensionary benefits within a period of two months, direction may kindly be issued to the respondent-Corporation to release the pensionary benefits forthwith along with interest.

Learned counsel for the petitioner submits that for the relief, which has been claimed in the present writ petition, the petitioner has served upon the respondents a legal notice dated 18.01.2022 (Annexure P-3), 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. Hittan Nehra, learned Additional Advocate General, Punjab, who is present in Court, accepts notice on behalf of respondent-State. Learned State counsel submits that respondent No. 2 raises no objection in deciding the legal notice dated 18.01.2022 (Annexure P-3) 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, respondent No. 2 is directed to decide the legal notice dated 18.01.2022 (Annexure P-3) by passing a speaking order within a period of 8 weeks from the date of receipt of copy of this order.

Present writ petition stands disposed of.

March 08, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No