

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114 (3)

CWP-4479-2022

Date of Decision :08.03.2022

Ashwani Kumar @ Ashwani Dhir

..Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Deshpreet Singh, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner argues that though, the petitioner has already been retired from the service of respondent No.3-Fazilka Co-operative Sugar Mills Limited on 31.03.2021 but, the pensionary benefits of the petitioner including gratuity and leave encashment are not being released by the respondents and that too without any valid justification. 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 1997(3) SCT 468**, the pensionary benefits of the employee are to be released within a period of two months from the date of his/her retirement in case there is no impediment in the release of the same. Learned counsel for the petitioner further submits that though, in the present case, there is no impediment for the release of the pensionary benefit of the petitioner but, even after expiry of one year of the retirement, the benefits

are not being released by the respondents. Prayer of the petitioner is for issuance of a direction to the respondents to release all the pensionary benefits of the petitioner forthwith.

Learned counsel for the petitioner further submits that for the relief, which is being claimed in the present writ petition, the petitioner has already served the respondents with a legal notice dated 27.01.2022 (Annexure P/3), 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 respondent No.3 to decide the said legal notice by passing an appropriate speaking order.

In view of the above, without expressing any opinion on the merits of the case or the claim being made by the petitioner in legal notice dated 27.01.2022 (Annexure P/3), respondent No.3 is directed to decide legal notice dated 27.01.2022 (Annexure P/3) submitted by the petitioner by passing a speaking order within a period of eight weeks from the date of receipt of a copy of this order.

Present writ petition stands disposed of.

March 08, 2022

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No