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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-5244-2022

Date of Decision: 16.03.2022

Amarjit

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Baldev S.Sidhu, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

The present petition has been filed seeking release of the retiral benefits of the petitioner, which are not being released to him, despite the fact that he superannuated on 30.06.2020, i.e. approximately one and a half year ago.

Learned counsel for the petitioner submits that there is no impediment in releasing of his said retiral benefits but still the same is not being done, despite the settled principle of law as laid down in the judgment passed by the Full Bench of this Court in “**A.S. Randhawa Vs. State of Punjab and others**”, 1997(3) SCT 468, wherein it has been mentioned that the pensionary benefits of an employee are to be released within a period of two months from the date of superannuation, in case there is no impediment. Learned counsel for the petitioner further submits that the said grievance has already been raised by the petitioner before the competent Authority in the form of a legal notice dated 06.10.2021 (Annexure P-4) but the same is still pending consideration with the Authority concerned which is causing

prejudice to him.

Learned counsel for the petitioner further submits that the petitioner will be satisfied at this stage, in case a time bound direction is given to the respondents to decide the said legal notice dated 06.10.2021 (Annexure P-4) by passing an appropriate speaking order.

Notice of motion.

Mr. Navdeep Chhabra, DAG, Punjab, keeping in view the advance service of copy of the petition, accepts notice on behalf of the State and raises no objection, in case prayer made hereinbefore on behalf of the petitioner for deciding the legal notice dated 06.10.2021 (Annexure P-4) in a time bound manner is accepted.

Keeping in view the facts and circumstances of this case and without going into merits of the present case as well as the said legal notice dated 06.10.2021, this petition is disposed of with a direction to respondent-Department to pass an appropriate speaking order on the legal notice dated 06.10.2021 (Annexure P-4), filed by the petitioner, within a period of eight weeks from the date of receipt of the copy of this order. In case, the petitioner is found entitled for the relief, the same be also released in his favour within a period of next four weeks thereafter.

16.03.2022*Apurva***(HARSIMRAN SINGH SETHI)
JUDGE**

1. Whether speaking/reasoned : Yes
2. Whether reportable : No