

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

122

CWP-5838-2022
Date of decision : 23.03.2022

SUSHILA DEVI

..... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Ravinder Singh Dhull, Advocate
for the petitioner.

(through video conferencing)

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed with a prayer that the earned leave admissible to the petitioner after she attained the age of superannuation on 31.03.2020, has not been released and that too without any valid justification.

Learned counsel for the petitioner submits that there are no proceedings pending against the petitioner either before the Department or competent Court of law, which will give the jurisdiction to the respondents to withhold the pensionary benefits and as per the judgment of the Full Bench of this Court in **A. S. Randhawa Vs. State of Punjab in CWP No.2883 of 1997 dated 16.05.1997**, the employees are entitled for the release of the pensionary benefits within a period of two months of their retirement in case, there is no impediment and therefore, the respondents are liable to be directed to release the leave encashment of the petitioner forthwith without any further delay.

Learned counsel further submits that the benefits being claimed has also been claimed by the petitioner by serving legal notice dated 11.10.2021 (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 respondent No.2 to decide the said legal notice by passing an appropriate speaking order.

Notice of motion.

Mr. Narender Singh Behgal, AAG, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State and states that the legal notice dated 11.10.2021 (Annexure P/3) submitted by the petitioner will be decided within a period of eight weeks from today and in case, after the decision, it is found that any action needs to be taken, the same will also be taken without any further delay.

In view of the above, without expressing any opinion on the merits of the case or the claim being made by the petitioner through the legal notice, respondent No.2 is directed to decide legal notice dated 11.10.2021 (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 and in case, the petitioner is found entitled for any benefits, the same will also be released within a period of next four weeks.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

23.03.2022

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Whether speaking/reasoned
Whether Reportable :

Yes
No