

CWP-6059-2022

Date of decision: - 24.03.2022

SOM NATH

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Varun Dhawan, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner submits that in the present case the petitioner retired from service on attaining the age of superannuation on 31.12.2019, while working as Sweeper in Nagar Council, Bagha Purana. Learned counsel further 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 is entitled for the release of his pensionary benefits within a period of two months of his retirement in case there is no impediment and in the case of the petitioner, though there was no impediment, but still the pensionary benefits were released in his favour starting from March, 2020 only till August, 2021. Learned counsel submits that keeping in view the fact that the release of the pensionary benefits has been delayed, as per the judgement of A.S. Randhawa (supra), the petitioner has become entitled for the grant of interest on delayed release of payment.

Learned counsel submits that the claim raised in the petition

has already been raised by the petitioner before the respondents by

serving a legal notice dated 31.12.2021 (Annexure P-3), which is still pending consideration with respondent No.3 and 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 31.12.2021 (Annexure P-3) by passing an appropriate order.

Notice of motion.

Mr. Navdeep Chhabra, learned DAG, Punjab, who is present in Court, accepts notice on behalf of the State and raises no objection, in case the prayer made hereinbefore on behalf of the petitioner for deciding the legal notice dated 31.12.2021 (Annexure P-3) in a time bound manner is accepted.

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.3 is directed to decide the legal notice dated 31.12.2021 (Annexure P-3) by passing an appropriate speaking order within a period of eight weeks from the receipt of copy of this order. In case, after the decision of the claim of the petitioner, it is found that the petitioner is entitled for the monetary benefits, the same should be released to the petitioner within a period of four weeks thereafter.

Present petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

24.03.2022
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Whether reasoned/speaking? *Yes/No*
Whether reportable? *Yes/No*