

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-7663-2022

Date of Decision :18.04.2022

Teja Ram Bishnoi

..Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashutosh Kaushik, Advocate for the petitioner.

Mr. Raman Kumar Sharma, Addl. A.G. Haryana.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner argues that though, the petitioner has already retired from service on attaining the age of superannuation on 31.07.2020 and at that time, there was no charge sheet pending against him but, the pensionary benefits of the petitioner has not been released by the respondents. Learned counsel for the petitioner submits that as per the settled principle of law settled by the Full Bench of this Court in **A. S. Randhawa vs. State of Punjab 1997(3) SCT 468** an employee is entitled for the release of his pensionary benefits within a period two months from the date of his retirement in case there is no impediment in the release of the same. In the present case, even after the period of two months of retirement of the petitioner, there was no impediment in the release of his pensionary benefits but, the same were not released by the respondents. Learned counsel for the petitioner submits that a charge sheet was issued to the petitioner on 30.03.2021 and on the basis of the said charge sheet,

pensionary benefits of the petitioner have been withheld, which is contrary

to the settled principle of law settled by this Court in CWP No.26406-2015 titled as **Subha Chand vs. State of Haryana and another** on 06.11.2019. Prayer of the petitioner is for issuance of a direction to the respondents to release his pensionary benefits along with interest.

Learned counsel for the petitioner submits that the petitioner has already raised the said grievance before the respondents by way of filing a representation dated 12.11.2020 (Annexure P/2), which is still pending consideration with the respondents and the petitioner will be satisfied in case a time bound direction be issued to the respondent No.3 to decide the said representation.

Notice of motion.

Mr. Raman Kumar Sharma, Addl. A.G. Haryana, who is present in Court, accepts notice on behalf of respondent-State and raises no objection in deciding the representation dated 12.11.2020 (Annexure P/2) 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 in representation dated 12.11.2020 (Annexure P/2), respondent No.3 is directed to decide the representation dated 12.11.2020 (Annexure P/2) by passing a speaking order within a period of eight weeks from the receipt of copy of this order.

Present writ petition stands disposed of.

April 18, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No