

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

**CWP- 8261-2022
Date of Decision: 22.04.2022**

Jasbir Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashish K.Gupta, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that in the present case, the petitioner retired after he was granted the permission of voluntary retirement on 10.02.2021, but despite the fact that more than one year has elapsed since his retirement, his pensionary benefits have not been released to him till now by the respondent-Department only on the ground that the service-book of the petitioner is incomplete. Learned counsel for the petitioner submits that the completion of service-book of the petitioner is the duty of the respondent-Department, and therefore, the denial of the pensionary benefits to the petitioner on the said terms is not permissible. Learned counsel further submits that the respondents are liable to be directed to release all the pensionary benefits of the petitioner forthwith along with the interest keeping in view the settled principle of law as laid

down by the Full Bench of this Court while passing judgment in “A.S. Randhawa Vs. State of Punjab and others”, 1997(3) SCT 468, according to which, an employee who has not been released the pensionary benefits within a period of two months from superannuation, in case there is no impediment, becomes entitled for the grant of interest for the delay in releasing of the pensionary benefits, and therefore, the respondents be directed to release all the pensionary benefits of the petitioner along with interest.

Learned counsel for the petitioner further submits that the petitioner has also raised the same grievance before the respondents by serving legal notice dated 21.03.2022 (Annexure P-7), which is still pending consideration with the authorities concerned and the petitioner will be satisfied at this stage, in case a time bound direction is given to respondent No.3 to decide the said legal notice dated 21.03.2022 on merits rather than raising the aforesaid objection, by passing an appropriate speaking order.

Notice of motion.

Mr. Navdeep Chhabra, DAG, Punjab, keeping in view the advance service of the copy of 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 21.03.2022 (Annexure P-7) in a time bound manner is accepted.

Keeping in view the facts and circumstances of this case and without going into merits of the claim as raised by the petitioner in the present case as well as in the legal notice dated 21.03.2022, this petition is disposed of with a direction to the respondent No.3 to pass an appropriate speaking order on merits on the legal notice dated 21.03.2022 (Annexure P-

7), 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 any benefit, the same be also released in his favour within a period of four weeks thereafter.

22.04.2022

Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

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