

115

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

CWP-8240-2022

Date of Decision: 22.04.2022

Banwari Lal

..... 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)

In the present petition, prayer of the petitioner is for directing the respondents to release all his retiral benefits and balance amount of provident fund, for which he became entitled for upon his retirement, along with the interest on the said delayed payments.

Learned counsel for the petitioner argues that the petitioner retired on 31.07.2021 as a Sweeper from the Nagar Council, Zira, District Ferozepur, but all of his pensionary benefits have not yet been released to him by the respondent-Department, despite the fact that approximately eight months have elapsed from his date of retirement and by now there is no impediment in releasing the said pensionary benefits to the petitioner. Learned counsel for the petitioner submits that only a sum of Rs.2,00,000/- out of the total amount of Rs.14,00,000/- approximately has been released in favour of the petitioner till now by the respondent-Department. Learned counsel further submits that keeping in view the above, the petitioner is entitled for the grant of interest on the said delayed release of pensionary

benefits to him keeping in view the settled principle of law 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 submits that the petitioner has also raised the same grievance before the respondents by serving legal notice dated 23.03.2022 (Annexure P-2), which is also 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 23.03.2022, 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 respondents No.1 to 3 and raises no objection, in case prayer made hereinbefore on behalf of the petitioner for deciding the legal notice dated 23.03.2022 (Annexure P-2) 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 23.03.2022, this petition is disposed of with a direction to the respondent No.3 to pass an appropriate speaking order on the legal notice dated 23.03.2022 (Annexure P-2), 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/No
2. Whether reportable : Yes/No