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

CWP-17144-2021

Date of Decision: 22.04.2022

Kuldip Chand

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Neeraj Sharma, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that in the present case, though the petitioner retired on 24.10.2007, i.e. after his extension was abruptly withdrawn by the respondent-Department, but his pensionary benefits were released in his favour only in the year 2019, and therefore, there is a delay in releasing of the pensionary benefits to him and that too without there being any impediment in releasing the said benefits to him. Learned counsel for the petitioner submits that keeping in view the above, the petitioner is entitled for the grant of interest on the delayed release of pensionary benefits to him as per 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 respondent No.3 by serving representation dated 13.06.2019 (Annexure P-1), 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 representation dated 13.06.2019, 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 representation dated 13.06.2019 (Annexure P-1) 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 representation dated 13.06.2019, this petition is disposed of with a direction to the respondent No.3 to pass an appropriate speaking order on the representation dated 13.06.2019 (Annexure P-1), 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

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