

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(115)

CWP No. 9464 of 2022

Date of Decision : 06.05.2022

Parmjit

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Amrik Singh, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner argues that petitioner retired from service on 30.09.2020 and more than one and half year has elapsed but his retiral benefits have not been released to him and that too without any valid justification. 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 and others, 1997(3) SCT 468**, the retiral benefits are to be released within a period of two months of the retirement in case, there is no impediment and in the present case, there is no impediment in the release of the pensionary benefits as there are no proceedings pending against the petitioner either before the department or before any competent Court of law, which will give jurisdiction to the respondents to withhold the pensionary benefits and hence, respondents are liable to be directed to release the pensionary benefits along with interest.

Learned counsel for the petitioner submits that the petitioner has already raised the said grievance in the legal notice dated 30.03.2022 (Annexure P-3), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a direction is issued to respondent No. 2 to decide the same by passing an appropriate speaking order in a time bound manner.

Notice of motion.

On the asking of the Court, Ms. Anju Sharma Kaushik, learned Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondents and raises no objection in deciding the legal notice dated 30.03.2022 (Annexure P-3) in a time bound manner by passing an appropriate speaking order.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioner in the legal notice, respondent No. 2 is directed to decide the legal notice dated 30.03.2022 (Annexure P-3), by passing a 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 also be paid to the petitioner within a period of four weeks thereafter.

Present writ petition stands disposed of.

May 06, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? ✓
Yes/No

Whether reportable? ✓
Yes/No