

146

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

CWP-9759-2022

Date of Decision: 09.05.2022

Rajvir Singh Bibyan

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Abhinav, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that in the present case, though the petitioner has already retired on 31.05.2021, but all of his retiral benefits have not been released to him by the respondents so far.

Learned counsel for the petitioner submits that only the leave encashment amount and the Provident Fund amount have been released to the petitioner by the respondents, whereas the actual pension and the gratuity amount of the petitioner have been withheld by the respondents and that too without there being any impediment in releasing the said benefits to him, which action of the respondents is bad in law 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.

Learned counsel for the petitioner submits that the same grievance has also been raised by the petitioner before respondents No.1 and 3 by serving legal notice dated 19.01.2022 (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.1 to decide the said legal notice dated 19.01.2022, by passing an appropriate speaking order.

Notice of motion.

Mr. Raman Kumar Sharma, Additional A.G., Haryana, 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 19.01.2022 (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 legal notice dated 19.01.2022 (Annexure P-1), this petition is disposed of with a direction to respondent No.1 to pass an appropriate speaking order on the legal notice dated 19.01.2022 (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.

09.05.2022*Apurva***(HARSIMRAN SINGH SETHI)****JUDGE**

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