

**148 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-11616-2022

Date of decision : May 26, 2022

Hari Chand

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. P.S. Bal, Advocate for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that the petitioner retired from service on attaining the age of superannuation on 30.04.2021 but all the pensionary benefits for which the petitioner is entitled have not been released to him despite the fact that there is no impediment.

Learned counsel for the petitioner further argues that as per the settled principle of law as settled by the Full Bench of this Court in “*A.S. Randhawa Vs. State of Punjab and others*”, 1997(3) SCT 468, an employee is entitled for the release of pensionary benefits within a period of two months from his retirement, if there is no impediment, failing which the employee shall be entitled for the interest on the delayed payment and the respondents are under obligation to release all the pensionary benefits along with interest to the petitioner.

Learned counsel for the petitioners further submits that the petitioner has already raised the said grievance before the respondents by serving upon them legal notice dated 04.05.2022 (Annexure P-3), which is still pending consideration with the respondents and the petitioner will be

satisfied at this stage, in case a time bound direction is issued to respondent No.4 to decide the said legal notice by passing an appropriate speaking order.

Notice of motion.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondents and raises no objection in deciding the legal notice dated 04.05.2022 (Annexure P-3) in a time bound manner by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioners for the relief which has been claimed by him in the legal notice dated 04.05.2022 (Annexure P-3), the present writ petition is disposed of with a direction to respondent No.4 to decide the said legal notice within a period of eight weeks from the receipt of copy of this order.

In case, it is found that the petitioner is entitled for the monetary benefits after the decision of the legal notice, the same should also be paid to the petitioner within four weeks thereafter.

(HARSIMRAN SINGH SETHI)
JUDGE

May 26, 2022

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No