

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

CWP-11747-2022

Date of Decision: 27.05.2022

Rajinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Priyanshu Kamra, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

The present petition has been filed with a prayer that though the petitioner has retired from the services of respondent-Department on 31.03.2019, but all of his pensionary benefits have not been released to him by the respondents and that too without any valid justification.

Learned counsel for the petitioner argues that as per 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**, an employee who has not been released the pensionary benefits within a period of two months from superannuation, in case there is no impediment in doing so, becomes entitled for the grant of interest for the delay in releasing of the pensionary benefits.

present case, all of the pensionary benefits of the petitioner have not been released to him by the respondents, despite there not being any impediment, therefore, keeping in view the judgment passed in **A.S. Randhawa's case** (supra), the respondents are liable to be directed to release the said benefits to the petitioner forthwith along with the interest on the delayed release of the said pensionary benefits to him.

Learned counsel for the petitioner submits that the same grievance has also been raised by the petitioner before the respondents by serving legal notice dated 02.05.2022 (Annexure P-2), 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 legal notice dated 02.05.2022, by passing an appropriate speaking order.

Notice of motion.

On the asking of the Court, Mr. Navdeep Chhabra, DAG, Punjab, 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 02.05.2022 (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 02.05.2022 (Annexure P-2), this petition is disposed of with a direction to the respondent No.3 to pass an appropriate speaking order on the legal notice dated 02.05.2022 (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.

27.05.2022

Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

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