

163 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-12070-2022

Date of Decision: 30.05.2022

Mangat Ram

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Singh, Advocate, and
Mr. Mandeep Singh, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that in the present case, the petitioner retired from the services of the respondent-Department on 31.01.2022, but despite expiry of the stipulated period of two months from the date of his retirement, his pensionary benefits have not been released to him by the respondents, which action of the respondents is contrary to 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 as in the present case, there is no impediment in releasing the pensionary benefits to him by the respondents, therefore, the respondents are under obligation to release the said pensionary benefits to the petitioner forthwith.

Learned counsel for the petitioner further submits that the same grievance has also been raised by the petitioner before respondent No.1 by filing representation dated 20.04.2022 (Annexure P-9), 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 representation dated 20.04.2022, 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 representation dated 20.04.2022 (Annexure P-9) 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 20.04.2022 (Annexure P-9), this petition is disposed of with a direction to the respondent No.1 to pass an appropriate speaking order on the representation dated 20.04.2022 (Annexure P-9), 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.

30.05.2022*Apurva***(HARSIMRAN SINGH SETHI)
JUDGE**

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