

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

Sr. No.135

CWP No.12542 of 2022

Date of Decision: 01.06.2022

Ashok Kumar Sharma

.... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Deshpreet Singh, Advocate for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Learned counsel for the petitioner argues that though the petitioner has already retired from the service of respondent No.3-Fazilka Cooperative Sugar Mills Limited on 30.11.2020 but the service benefits as well as pensionary benefits of the petitioner including gratuity and leave encashment are not being released to him by the respondents and that too without any valid justification.

Learned counsel for the petitioner submits that as per the judgment rendered by Hon'ble Full Bench of this Court in the case of **“A.S. Randhawa Vs. State of Punjab and others”, 1997(3) SCT 468,** all the pensionary benefits of an employee are to be released within a period of two months from the date of his/her retirement, in case there is no impediment in the release of the same. Learned counsel for the petitioner further submits that though, in the present case, there is no impediment in the release of the service benefits as well as pensionary benefit of the petitioner but, even after expiry of more than two years of the retirement, the benefits are not being released by the respondents. Prayer of the petitioner is for issuance of direction to the respondents to release all the service benefits as well as pensionary benefits of the petitioner forthwith.

Learned counsel for the petitioner further submits that the petitioner has already raised the said grievance before respondent No.4 by serving upon him a legal notice dated 04.05.2022 (Annexure P-2), which is pending consideration with respondent No.4 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-2) 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 petitioner for the relief which has been claimed by him in the legal notice dated 04.05.2022 (Annexure P-2), the present writ petition is disposed of with a direction to respondent No.4 to decide the legal notice dated 04.05.2022 (Annexure P-2) within a period of eight weeks from the receipt of copy of this order and in case, after passing the speaking order, the petitioner is found entitled for any relief, the same will be extended to him within a period of 4 weeks thereafter.

(HARSIMRAN SINGH SETHI)
JUDGE

01.06.2022
Maninder

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No