

134 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-14253-2022

Date of Decision: 07.07.2022

Hira Lal

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that the petitioner got retired from the services of the respondent-Department upon attaining the age of superannuation, i.e. on 31.01.2022, but the pensionary benefits of the petitioner have not been released to him by the respondent-Department so far, even though there is no impediment in releasing the said benefits to him by the respondent-Department, which act of the respondent-Department 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 in doing so, becomes entitled for the grant of interest for the delay in releasing of the pensionary benefits, hence the respondents are liable to be directed to release the pensionary benefits of the petitioner forthwith along with interest upon the said delayed release of pensionary benefits to him.

grievance has also been raised by the petitioner before the respondents by serving legal notice dated 02.05.2022 (Annexure P-3), 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, Ms. Anju Sharma Kaushik, 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-3) 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-3), 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-3), 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.

07.07.2022*Apurva***(HARSIMRAN SINGH SETHI)****JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No