

CWP-15663-2022

Date of decision : July 22, 2022

HARPREET SINGH GHAI

.....Petitioners

Versus

STATE OF PUNJAB AND OTHERS

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Dhiraj Chawla, Advocate for the petitioner.

LISA GILL, J.

Prayer as addressed in this writ petition reads as under:-

“ For issuance of a writ of mandamus directing the respondents to release proportionate pension with interest @ 18% per annum to the petitioner (14 yr, 9m, 5 days of regular service) in terms of Rule 6.16A(2) of the Punjab Civil Services Rules, Volume 2, Chapter VI since the petitioner was allowed voluntarily retirement vide orders dated 14.12.2017, Annexure P-3 and only the General Provident Fund was released on 16.08.2019 while denying the gratuity and proportionate pension being completely illegal and against the settled law that once an employee is allowed to retire then pension cannot be denied to him as held in **Vijayant Kumar v. State of Haryana 2020 (4) SCT 403.**”

It is submitted that petitioner, who was working on the post of Assistant Town Planner in the Improvement Trust Cadre, sought voluntary retirement from his service vide letter dated 27.09.2016/01.10.2016. Voluntary retirement was recommended by respondent No. 3 on 25.10.2016 and accepted by respondent No. 1 on 14.12.2017. However, no order regarding release of

proportionate pension was passed. Petitioner, it is stated, represented to respondent No. 2 for processing his case for release of proportionate pension alongwith arrears. However, it was only the amount of GPF, which was released to the petitioner on 16.08.2019. Neither proportionate pension nor gratuity was released to the petitioner. Respondents are not releasing the benefit due to the petitioner despite representation dated 20.12.2021. In this respect, legal notice dated 20.12.2021 has also been submitted by the petitioner but to no avail.

At this stage, learned counsel for the petitioner restricts the prayer for a decision on legal notice dated 20.12.2021 (Annexure P7), submitted by the petitioner, in a time bound manner.

Keeping in view the limited prayer addressed, facts and circumstances of the case but without expressing any opinion on the merits thereof, this writ petition is disposed of with a direction to the competent authority, to decide legal notice dated 20.12.2021 (Annexure P7) by passing a speaking order, within three months from the date of receipt of certified copy of this order. Amount, if any, found due to the petitioner be released within two months thereafter.

July 22, 2022

rts

**(LISA GILL)
JUDGE**

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