

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

131

CWP-16738-2022

Date of Decision :01.08.2022

Birender Singh Hooda**...Petitioner**

Versus

State of Haryana and others**...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Rajat Dogra, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner argues that the petitioner has already retired from service after attaining the age of superannuation on 30.09.2021 but, the pensionary benefits, for which, he is entitled for, have not been extended to him by the respondents and that too without any valid justification. Learned counsel for the petitioner submits that as per the settled principle of law settled by the Full Bench of this Court in ***A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468***, an employee is entitled for the release of his/her pensionary benefits within a period of two months of his/her retirement in case there is no impediment in the release of the same and in the present case, there were no departmental or criminal proceedings pending against the petitioner at the time of his retirement so as to give jurisdiction to the respondents to withhold his pensionary benefits. Prayer of the petitioner is for issuance of a direction to the respondents to release the pensionary benefits of the petitioner

forthwith.

Learned counsel for the petitioner submits that the petitioner has already raised the said grievance before the respondents by way of serving a legal notice dated 20.01.2022 (Annexure P/2) upon them, which is still pending consideration with the respondents and the petitioner will be satisfied in case a time bound direction is issued to the respondent No.4 to decide the said legal notice.

Notice of motion.

Mr. Harish Kumar Nain, AAG, Haryana, who is present in the Court, accepts notice on behalf of respondent-State and raises no objection in deciding the legal notice dated 20.01.2022 (Annexure P/2) in a time bound manner by passing an appropriate speaking order.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner in his legal notice, respondent No.4 is directed to decide the legal notice dated 20.01.2022 (Annexure P/2) by passing a speaking order within a period of eight weeks from the date of receipt of copy of this order. In case after the decision, it is found that the petitioner is entitled for any relief, the same will be extended to him within a period of four weeks thereafter.

Present writ petition stands disposed of.

August 01, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

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