

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-18009-CWP-2022 &
CM-18013-CWP-2022 in/&
CWP-23509-2015
Date of Decision :17.11.2022

Nirmala Devi

...Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Abhivrat Arya, Advocate for
Ms. Alka Chatrath, Advocate for the petitioner.

Mr. R.S. Budhwar, Addl. A.G. Haryana.

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Harsimran Singh Sethi, J. (Oral)

CM-18013-CWP-2022

As prayed for, application is allowed.
Annexure P/15 is taken on record.

CM-18009-CWP-2022

Learned counsel for the applicant-petitioner submits that as the fresh order dated 26.11.2019 (Annexure P/15) has been passed by the respondents so as to voluntarily retire the petitioner but, the pensionary benefits under said order have not been released to the petitioner so far hence, the main writ petition may kindly be preponed from 07.03.2023 to today and an appropriate direction be issued to the respondents to grant the benefits under the order dated 26.11.2019 (Annexure P/15) passed by the respondents.

Notice of the application to the counsel opposite.

Mr. R.S. Budhwar, Addl. A.G. Haryana accepts notice on behalf of the respondent-State and raises no objection in case hearing of the main petition is preponed from 07.03.2023 to today.

Keeping in view the joint request of the learned counsel for the parties, date of hearing in the main writ petition is preponed from 07.03.2023 to today and the case is taken up for hearing.

CWP-23509-2015

Learned counsel for the petitioner argues that during the pendency of the present writ petition, upon reconsideration the respondents have passed order dated 26.11.2019 (Annexure P/15) granting the petitioner benefit of voluntary retirement with effect from the said date. Learned counsel for the petitioner submits that as the order of termination dated 16.03.2015 (Annexure P/9) already stands emerged with the fresh order passed by the respondents dated 26.11.2019 (Annexure P/15) and the petitioner is treated to be voluntarily retired, the petitioner is entitled for consequential benefits of the said order, which have not been extended to her despite the expiry of more than three years.

Learned counsel for the respondents submits that in case consequential benefits of the order dated 26.11.2019 (Annexure P/15) have not been extended to the petitioner so far, the same will be extended to her within a period of 08 weeks from the date of receipt of copy of this order.

At this stage, learned counsel for the petitioner submits that once the order was passed by the respondents on 26.11.2019 voluntarily retiring the petitioner, it became the duty of the respondents to release the

pensionary benefits, keeping in view 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** according to which, 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, learned counsel for the petitioner prays that the pensionary benefits of the petitioner have not been released to her despite there being any impediment hence, the petitioner is entitled for interest on the said delayed release of the pensionary benefits.

Learned State counsel submits that in case any representation raising the said grievance is filed by the petitioner, the same will also be looked into and an appropriate order on the said claim of the petitioner will be passed within a period of 08 weeks from the date of receipt of any such grievance.

Learned counsel for the petitioner submits that keeping in view the statement made by the learned State counsel, the present writ petition may kindly be disposed off having been not pressed any further with liberty to approach the respondent-authority with appropriate representation.

Ordered accordingly.

November 17, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

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