

221

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

CWP-7062-2016

Date of Decision: 04.07.2022

Randhir Singh (since deceased) Th. LRs.

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Puneet Sharma, Advocate,
for the petitioner.

Mr. Amitoj Singh Dhaliwal, DAG, Punjab.

Mr. Tarun Vir Singh Lehal, Advocate,
for respondent No.4.

Mr. Sunil Kumar Pandey, Advocate,
for respondent No.5.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, prayer of the petitioner is for the issuance of direction to the respondents to release the pensionary benefits, for which he became entitled for upon his retirement on 30.04.2015, along with the interest on the delayed release of said pensionary benefits to him by the respondent-Department. Further prayer of the petitioner is for the grant of benefit of the Assured Career Progression Scheme after rendering 4, 9 and 14 years of service by him with the respondent-Department, and thereafter, revise the pensionary benefits of the petitioner along with the grant of arrears.

Learned counsel for the petitioner submits that as of now, all

the pensionary benefits, for which the petitioner was entitled for, have

already been released in his favour by the respondent-Department, but the said pensionary benefits were released after a delay, hence the petitioner's claim for the grant of interest on the said delayed release of pensionary benefits in his favour by the respondent-Department survives.

Learned counsel for the petitioner further submits that the claim of the petitioner for the grant of benefit under the Assured Career Progression Scheme also subsists.

Learned State counsel submits that once the benefits, for which the petitioner became entitled for upon his retirement on 30.04.2015, have already been released to him by the respondent-Department, the present petitioner has become infructuous.

Learned counsel for the petitioner rebuts with the aforesaid averment and submits that claim of the petitioner for the grant of interest on the delayed release of pensionary benefits by the respondent-Department is correct in the favour of the petitioner, keeping in view the judgment of the Full Bench of this Court passed in “**A.S. Randhawa Vs. State of Punjab and others**”, 1997(3) SCT 468.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It is not disputed by the respondents that the petitioner retired from the service on 30.04.2015 and nothing has been brought to the notice of this Court that there was any impediment in releasing the pensionary benefits of the petitioner to him by the respondent-Department. That being so, the petitioner was entitled for the release of his pensionary benefits to him by the respondent-Department within the stipulated period of two months of his retirement, failing which, the petitioner is entitled for the

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High Court, Chandigarh

for the grant of interest on the said delayed release of the pensionary benefits at the rate of 6% per annum starting from 01.07.2015 till the date of actual payment of the same to the petitioner.

Let the computation of interest, for which the petitioner becomes entitled for under this order, be carried out within a period of two months from the date of receipt of the copy of this order and the interest so calculated be paid to the legal representatives of the deceased-petitioner within a period of next one month.

As far as the claim of the petitioner for the grant of benefit under the Assured Career Progression Scheme is concerned, let the legal representatives of the petitioner file a detailed representation before the Director, Department of Local Government, Punjab, who will look into the said representation and decide the same within a period of two months from the date of receipt of the said representation. In case after the decision, the petitioner is found entitled for the grant of any relief, the same be released to the legal representatives of the petitioner within a period of one month thereafter.

Allowed in the above terms.

04.07.2022

Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

1. Whether speaking/reasoned : Yes

2. Whether reportable : No