

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(132)

CWP-20890-2022

Date of Decision : September 14, 2022

Chaman Lal

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Suresh Kumar Kaushik, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner submits that the petitioner has already retired on attaining the age of superannuation on 31.10.2021 but no pensionary benefits has been released to him so far despite the fact that a period of 11 months have elapsed since his retirement and there is no impediment in the release of the pensionary benefits of the petitioner.

Learned counsel for the petitioner argues that 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*, an employee is entitled for the release of the pensionary benefits within a period of two months of the retirement in case there is no impediment failing which, employee is entitled for the grant of interest, hence, the respondents are liable to be directed to release the pensionary benefits of the petitioner

forthwith along with interest.

Learned counsel for the petitioner submits that the petitioner has already raised the said grievance before the respondents by serving upon them a legal notice dated 25.02.2022 (Annexure P-2), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to respondent No.3 to decide the same by passing an appropriate speaking order.

Notice of motion.

Mr. Vivek Saini, learned Addl. Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondents.

Learned counsel for the respondents raises no objection in deciding the legal notice of the petitioner in a time bound manner by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by him in the legal notice dated 25.02.2022 (Annexure P-2), the present writ petition is disposed of with a direction to respondent No.3 to decide the legal notice dated 25.02.2022 (Annexure P-2) within a period of eight weeks from the receipt of copy of this order.

In case, it is found that the petitioner is entitled for the monetary benefits after the decision of the legal notice, the same should also be paid to the petitioner within four weeks thereafter.

September 14, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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