

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

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CWP No.24881 of 2022

Date of decision: 29.10.2022

Laxmi Devi

....Petitioner

V/s

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Gagneshwar Walia, Advocate, for the petitioner.

VIKAS SURI, J. (Oral)

The present petition under Article 226/227 of the Constitution of India has been filed seeking issuance of a writ in the nature of mandamus, directing the respondents to grant interest @ 18% per annum on the delayed release of pensionary benefits of the petitioner in terms of Full Bench judgment of this Court in *A.S. Randhawa vs. State of Punjab and others*, 1997(3) SCT 468.

It is averred in the petition that husband of the petitioner who was working as Peon with Municipal Council, Kotkapura (respondent No.4), died in harness on 20.09.2019. The pensionary/retiral benefits were not released immediately after his death but were released only in parts between 20.09.2019 to 26.03.2021, i.e. over a period of almost two years from the date of death of the petitioner's husband.

The claim made is that as the actual release of pensionary benefits was beyond the period of two months from the date of death, which period has been held to be a reasonable period for releasing pensionary benefits on account of retirement of an employee as per ratio of the Full Bench judgment in *A.S. Randhawa* (supra), therefore, as there was no justifiable reason with the

respondents to withhold the pensionary benefits and pay the same in parts over a period of nearly two years, the petitioner is entitled for grant of interest on the said delayed payment.

Learned counsel for the petitioner submits that the petitioner has already raised the said grievance with the respondents by way of legal notice dated 04.07.2021 (Annexure P-2), which is still pending consideration. It is further submitted that the petitioner will be satisfied, at this stage, in case a direction is issued to respondent No.4 to decide the claim raised in the legal notice, in a time bound manner.

Reliance is also placed on CWP-7582-2022 titled ***Kuldeep Kumar vs. State of Punjab and others***, decided on 08.04.2022, wherein directions were given in the case of another employee claiming similar relief as has been claimed in the present petition.

Notice of motion to that limited extent.

Ms. Ambika Bedi, AAG, Punjab, accepts notice on behalf of respondent Nos.1 to 3 and waives service. She submits that as the claim is against Municipal Council, the contesting party would be the fourth respondent and thus, no separate written statement is to be filed by the State.

Mr. Gurinderjit Singh, Advocate, puts in appearance on behalf of respondent No.4 and waives service. He submits that respondent No.4/ Competent Authority will look into the matter and will take a decision on the legal notice served by the petitioner, in accordance with law, within the stipulated time.

Heard learned counsel for the parties.

Without expressing any opinion or going into the merits of the

case or the claim being made by the petitioners in the present petition or in the legal notice, respondent No.4/Competent Authority is directed to consider and decide the claim made in the legal notice dated 04.07.2021 (Annexure P-2), in accordance with law, by passing a speaking order within a period of eight weeks from the date of receipt of certified copy of this order.

Needless to observe that in case, after the decision, petitioner is found entitled for any benefits, the same be paid to him within a period of four weeks thereafter, as per law.

The petition stands disposed of in the aforesaid terms.

(VIKAS SURI)
JUDGE

October 29, 2022
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Whether speaking/reasoned:	Yes
Whether reportable:	No