

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

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CWP No.25625 of 2022

Date of decision: 11.11.2022

Baldev Singh

....Petitioner

V/s

Punjab State Power Corporation Limited
and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Pawan Kumar Goklaney, Advocate for the petitioner.

VIKAS SURI, J. (Oral)

This petition is preferred under Articles 226/227 of the Constitution of India, wherein the following substantive prayers have been made:-

- “(b) to issue an appropriate writ, order or directing the respondents to release 100% provisional pension and all other pensionary benefits as admissible to the post of petitioner, Leave Encashment in view of the law laid down by this Hon’ble Court in Civil Writ Petition No.4970 of 1988 titled as Dr. Ishar Singh vs. State of Punjab and another decided on 12.01.1993 (Full Bench) reported as 1993(4) SLR 655 and also to release the remaining pensionary benefits which has been withheld by the respondent-department wrongly, illegally and without assigning any proper reason, as the petitioner is fully eligible and entitled for the same.

- (c) It is further prayed that the directions may kindly be issued to the respondents to release the arrears of revised salary and revised pensionary benefits, in view of the recommendations of 6th Punjab Pay Commission.
- (d) It is further prayed that the petitioner is also entitled for the release of interest @ 9% from the date when it became due till its realization.”

At the very outset, learned counsel for the petitioner submits that for the claim raised in the present petition, the petitioner has also served legal notice dated 05.09.2022 (Annexure P-3), which is still pending consideration. He would further submit that the petitioner would be satisfied, at this stage, in case the said legal notice is considered and a decision thereon is taken by passing a speaking order, in a time bound manner. Reliance is placed on the law settled by the Full Bench of this Court in *A.S. Randhawa vs. State of Punjab and others, 1997(3) SCT 468*, and other judgments following the same.

Notice of motion to that limited extent.

Ms. Eknoor Kaur Sara, Advocate accepts notice on behalf of the respondents and waives service. She submits that the respondent No.2/Competent Authority will look into the matter and will take a decision on the legal notice of the petitioner in accordance with law, in a time bound manner.

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 petitioner in the present petition or in

the legal notice, respondent No.2/Competent Authority is directed to consider and decide the claim made in the legal notice dated 05.09.2022 (Annexure P-3), as well as the claim for interest on delayed payment of arrears, 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 six weeks thereafter, as per law.

The petition stands disposed of in the aforesaid terms.

(VIKAS SURI)
JUDGE

November 11, 2022

Ajay

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