

**120 IN THE HIGH COURT OF PUNJAB & HARYANA,
CHANDIGARH**

CWP No. 2979 of 2023

Date of decision : February 14, 2023

Sukhchain Singh

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. G. S. Sandhu, Advocate
for the petitioner.

Pankaj Jain, J (oral).

Present petition has been filed under Article 226 of the Constitution of India praying for issuance of writ in the nature of mandamus in the form of direction to the respondent-authorities to release his retiral benefits in full.

Learned counsel for the petitioner at the outset confines his prayer for deciding legal notice dated 18.03.2019 (Annexure P-1). He submits that at this stage, petitioner would be satisfied, if the said legal notice served on respondents at the behest of the petitioner is decided by passing a speaking order within a time bound frame.

Notice of motion.

On the asking of the Court Mr. Rajesh Mehta, Addl. Advocate General, Punjab, who is present in Court accepts notice on behalf of the respondents. He submits that respondent No.4/competent authority will look into the matter and

will take a decision on the claim raised by the petitioner in the legal notice, in

accordance with law.

I have heard learned counsel for the parties and have gone through the record of the case.

Without expressing any opinion on the merits of the case or the claim being made by the petitioner in the present petition, respondent No.4-Competent Authority is directed to consider and decide the claim made in the legal notice dated 18.03.2019 (Annexure P-1), 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. In case, the petitioner is found entitled, his claim be released within a period of four weeks thereafter along with interest at the rate of 8% per annum commencing from the period after expiry of three months from the date of retirement till the date of its actual realization. In case, the respondents are of the opinion that the claim of the petitioner merits rejection the same be adjudicated upon by passing a speaking order after giving an opportunity of personal hearing to the petitioner within the time as stipulated hereinabove.

The petition stands disposed off.

February 14, 2023
archana

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned Yes
Whether Reportable No