

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

CWP-4474 of 2023

Date of Decision: 03.03.2023

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Nirmal Kumari

....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Dinesh Mahajan, Advocate,
for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents to consider the claim of the petitioner for release of pension as well as pensionary benefits alongwith interest.

Learned counsel for the petitioner submitted that the petitioner had retired after attaining the age of superannuation on 30.04.2022 as Block Primary Education Officer, Gurdaspur-I. He submitted that more than ten months have elapsed but the pension/retiral benefits have not been granted to the petitioner and there is no impediment for the State to have granted the same as no enquiry is pending against the petitioner. He submitted that the petitioner had served a legal notice upon the respondents vide Annexure P-5 but no action was taken in that regard nor the legal notice has been decided and his limited prayer at this stage may be considered for directing the respondents to consider the legal notice issued by him vide Annexure P-5 through counsel may be directed to be decided within time bound framework.

Notice of motion.

Ms. Ambika Bedi, learned AAG, Punjab accepts notice on behalf of State of Punjab and states that she has no objection in case the limited prayer of the petitioner at this stage is considered and the legal notice can be decided within time bound framework.

I have heard the learned counsel for the parties.

The only limited prayer of the petitioner at this stage is that his legal notice has not been considered or decided by the respondents nor any reply has been filed and the grievance of the petitioner is with regard to the grant of pension/retiral benefits. Therefore this Court deems it fit and proper and without calling reply from the State and without observing anything on the merits of the case, to dispose of the present writ petition at this stage.

In view of the above, respondent No.1 is directed to consider and decide the legal notice (Annexure P-5) given by the petitioner through his counsel and to pass a well-reasoned speaking order within a period of three months from today.

Needless to say that in case the petitioner is found to be entitled for the benefits as prayed for then the same shall be released to the petitioner within a period of next two months alongwith interest @6% per annum from the date of its accrual till the time of disbursement.

(JASGURPREET SINGH PURI)
JUDGE

March 03, 2023
dinesh

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