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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-5136-2023
Date of Decision: 15.03.2023

KARNAIL SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. V.K. Shukla, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Article 226 of the Constitution of India seeking a writ in the nature of *Mandamus* directing the respondents to release the retiral benefits of the petitioner i.e. regular pension, commutation of pension, gratuity and payment on account of Group Insurance Scheme.

Learned counsel for the petitioner has submitted that the petitioner retired from the Govt. service from Central Jail, Ludhiana on 30.09.2021 on attaining the age of superannuation. Thereafter the retiral benefits of the petitioner i.e. regular pension, commutation of pension, gratuity and other benefits have not been paid to the petitioner and there is no legal justification with regard to the withholding of the same. He submitted that there was no inquiry or disciplinary proceedings against the petitioner at any time and therefore, the action of the respondents is not

paying the retiral benefits is not justified. He submitted that he is also entitled for the grant of interest on those payments which have been withheld. He further submitted that even a demand notice was also given to the respondents vide Annexure P-3 on 23.01.2023 but no action has been taken by them nor any reply has been given by the respondents. He further submitted that at this stage he restricts the scope of the present petition only to the extent that at least his demand notice be decided within time frame work and necessary directions be issued in this regard.

Notice of motion.

Ms. Ambika Bedi, learned AAG, Punjab accepts notice on behalf of the respondents and states that the demand notice of the petitioner shall be considered and decided within time frame work in accordance with law.

In view of the aforesaid position whereby the learned counsel for the petitioner has restricted the scope of the present petition, at this stage, only to the extent of seeking directions to the respondents to decide the demand notice, it is, therefore, directed without observing anything on merits that respondent No.4 shall consider and decide the demand notice given by the petitioner vide Annexure P-3 dated 23.01.2023 in accordance with law and within a period of three months from today.

Needless to say that a well-reasoned speaking order shall be passed on the aforesaid demand notice and in case the petitioner is found to be entitled for the benefits in accordance with law, then the same shall be released to the petitioner within a next period of one month

alongwith interest @ 6% per annum.

The present petition stands disposed of accordingly.

15.03.2023
rakesh

(JASGURPREET SINGH PURI)
JUDGE

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