

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-11530-2023(O&M)

Date of decision : 05.07.2023

Raghubir Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHLPresent: Mr.Parveen Kumar, Advocate
for the petitioner.Ms. Rajni Gupta, Addl.A.G. Haryana
for the respondents.**VIKAS BAHL, J.(ORAL)**

1. This is a civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondent department to release the retiral benefits including the pension of the petitioner along with interest @18% per annum which has been withheld by the respondents.

2. Learned counsel for the petitioner has submitted that the petitioner had earlier filed a writ petition i.e., CWP-20739-2021 and vide order dated 11.10.2021, the coordinate Bench of this Court had directed the respondents to take a conscious decision in the representation dated 07.09.2021 (Annexure P-2) filed by the petitioner within a period of three months from the date of receipt of the certified copy of the order and it was further ordered that in case the petitioner is found to be entitled to financial benefits on such conscious decision, then the same should be released to the

petitioner within a further period of three months from the date of such decision. It is further submitted that in pursuance of the said direction, a speaking order dated 18.02.2022 has been passed in which, some of the retiral benefits of the petitioner have been withheld on the ground that the wife of the petitioner i.e., Smt.Chander has not signed the pension documents. Learned counsel for the petitioner has submitted that wife of the petitioner has a dispute with the present petitioner and regarding the same, certain court cases have also been filed in the family Court. It is stated that the petitioner who was an employee of the respondent authorities, had served the respondent authorities and after having rendered 36 years of service, has retired and thus, is entitled to all the retiral benefits. It is further stated that in the impugned order, no rule has been referred to by the authorities to substantiate that in case the wife of the employee is not signing certain documents, then the retiral benefits cannot be released to the employee although the same is his rightful due.

3. Learned State counsel has fairly submitted that the competent authority would reconsider the matter de hors of the observations which have been made in the order dated 18.02.2022.

4. Keeping in view the above said facts and circumstances, the present petition is partly allowed and the order dated 18.02.2022 is set aside and the competent authority is directed to reconsider the matter and pass a speaking order within a period of two months from the date of receipt of certified copy of the present order. In case, the competent authority after reconsidering the matter comes to the conclusion that the remaining retiral benefits are to be released to the petitioner, then the same be released within a period of two months thereafter. In case, the respondent authority is of the

speaking order, after making reference to the relevant rules, be passed within a period of two months from the date of certified copy of the present order.

5. Pending miscellaneous application shall stand disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

July 05, 2023
Davinder Kumar

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