

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP--28646 -2023 (O&M)
Decided on : 20.12.2023

Avtar Singh

...Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Harsh Chopra, Advocate for the petitioner.

Mr. Rohit Ahuja, DAG, Punjab.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, the grievance of the petitioner is that despite the fact that the petitioner has already retired from the service on 31.03.2023 and approximately 09 months have already passed, but, the petitioner has not been granted the pensionary benefits except the gratuity amount of Rs. 15 lacs without there being any impediment in release of the same, which action on the part of the respondents is causing prejudice to the petitioner.

2. Learned counsel for the petitioner submits that keeping in view the settled principle of law settled by the Full Bench of this Court in **A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468**, wherein, it has been held that in case an employee has not been paid his/her retiral benefits within a period of two months from the date of his/her retirement, in case there is no impediment in the release of the same, an employee will be entitled for the grant of interest on the said delayed payments hence, the respondents are under obligation to release the pensionary benefits including the interest, if any to the petitioner, so that the petitioner does not suffer any prejudice.

3. Learned counsel for the petitioner submits that the petitioner has

already raised the said grievance in the legal notice dated 02.11.2023 (Annexure P-1) but the same is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a direction is issued to the respondents to decide the same by passing an appropriate speaking order in a time bound manner.

4. Learned counsel for the respondents-State submits that in case, the legal notice dated 02.11.2023 (Annexure P-1) has been received in the office of the concerned authorities and the same is still pending consideration with the authorities concerned, the same will be decided by the competent authority within a period of **eight weeks** of the receipt of certified copy of this order by passing an appropriate speaking order and in case, after the decision, the petitioner is found entitled for any benefit including interest, the same will be extended to him within a further period of **four weeks**..

5. Learned counsel for the petitioner submits that keeping in view the statement of learned State counsel, the present petition may kindly be disposed of having been not pressed any further.

6. Ordered accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

20.12.2023

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Whether speaking/reasoned: Yes/~~No~~
Whether Reportable: ~~Yes~~/No