

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

109

CWP-404 -2024 (O&M)
Decided on : 10.01.2024

Ashwani Kumar

...Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr.Ankur Goyat, Advocate for the petitioner.

Mr. Pankaj Middha, Additional Advocate General, Haryana.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, the grievance of the petitioner is that despite the fact that the petitioner was allowed voluntarily retirement w.e.f. 28.10.2021 but, his pensionary benefits were not released within a period of two months of retirement and that too without there being any impediment in release of the same, such action on the part of the respondents is causing prejudice to the petitioner and the petitioner is entitled for the interest on delayed payment.

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 14.03.2023 (Annexure P-5) 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. Notice of motion.

5. Mr. Pankaj Middha, Additional Advocate General, Haryana accepts notice on behalf of the respondents-State and submits that in case, the the Legal Notice dated 14.03.2023 (Annexure P-5) 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**..

6. 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.

7. Ordered accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

10.01.2024

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

Whether Reportable: ~~Yes~~/No