

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-1701-2024 (O&M)
Decided on : 25.01.2024

Karar Hussain

...Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Sukhdip Singh Brar, Advocate for the petitioner.

Mr. Harish Nain, AAG, Haryana.

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 31.10.2007, but, the petitioner has not been granted the pensionary benefits immediately within the period of 02 months of retirement, 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 though the petitioner has already raised the said grievance in two representations dated 01.08.2022 (Annexure P-2) & 20.02.2023 (Annexure P-3) but the petitioner

intends to move a detailed representation to claim the same benefits as being claimed in the present petition 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. Harish Nain, AAG, Haryana, accepts notice on behalf of the respondents-State and submits that in case, any such representation claiming the pensionary benefits is received by 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 with liberty to file a representation with respondents so as to raise all the claims as raised in the present petition.

7. Ordered accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

25.01.2024

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

Whether Reportable: ~~Yes~~/No