

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 1013 of 2016
Date of decision: 19.01.2016

Kulwant Singh

....Petitioner(s)

Versus

Punjab State Power Corporation and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. G.K. Chawla, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks the relief of completion of his service record and grant of full pension and other retiral benefits. Regularization of the unregularized period of service and arrears of pay and allowances and pension for the duty period alongwith interest @ 24% p.a. from the date it became due has also been asked for.

The pleaded case of the petitioner is that he had joined the service on 12.11.1972 as a Lower Division Clerk and during the pendency of his service, an FIR had been registered under Sections 323 and 452 IPC on 14.05.2005. The same was lodged by his cousin Ishar Singh and on account of his arrest, he was placed under suspension and was granted bail and thereafter, reinstated. He retired on 30.09.2005 (Annexure P-1) and was sanctioned 90% provisional pension on 12.02.2007 (Annexure P-2). He was convicted on 19.05.2010 for a period of one year under Section 452 IPC and for six months under Section 323 IPC. An application had been submitted on 07.09.2007 for grant of regular pension and payment of other

retiral dues which was not processed on account of the pendency of the criminal proceedings. There was also an issue regarding the fact that his wife had died and he had failed to supply the required joint photo for the grant of regular pension. On 23.08.2014, his appeal was decided by the Additional Sessions Judge, Ludhiana and he was released on probation on account of the fact that he was 65 years old and had been facing trial for more than 9 years and that his period of probation had also been completed successfully. Thereafter, he had approached the respondents on 18.05.2015 (Annexure P-12) for the payment of his complete retiral dues and copy of judgment had been supplied but no action had been taken. Thereafter, legal notice dated 12.09.2015 (Annexure P-13) was served for payment of his retiral dues, as noticed above.

Counsel for the petitioner contends that since the matter is still to be decided, he would be satisfied if a time bound decision is taken on the said legal notice.

Keeping in view the limited relief sought, this Court is of the opinion that there is no need to call upon the respondents to file reply.

Accordingly, without commenting on the merits of the case this writ petition is disposed of with a direction to respondent no. 2 to decide the legal notice dated 12.09.2015 (Annexure P-13) within a period of 3 months from the date of receipt of certified copy of the order. In case the petitioner is found entitled for the financial benefits, the same be paid within a period of one month thereafter. Needless to say if the relief is to be denied, a reasoned order be passed and conveyed to the petitioner.

19.01.2016
shivani

(G.S. SANDHAWALIA)
JUDGE