

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.13888 of 2016

DATE OF DECISION:18.12.2018

M.C. Aggarwal

... Petitioner

Versus

**Haryana State Federation of Consumers Cooperative Wholesale Limited
(Confed)**

... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vikrant Attri, Advocate for
Mr. Dhiraj Chawla, Advocate
for the petitioner.
Mr. Sunil Kumar Sharma, Advocate for the respondent.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the petitioner is claiming release of the
retiral benefits alongwith interest after his superannuation on 31.05.2014.
Further, a prayer has been made for release of the LTC and 3rd ACP from July,
2011 alongwith interest.

Counsel for the petitioner states that for the relief which has been
claimed in the present writ petition, the petitioner has served a legal notice upon
the respondents on 03.03.2016 (Annexure P-5) and the petitioner will be
satisfied in case a time bound direction is issued to the respondent to decide the

legal notice.

Counsel for the petitioner further contends that there are no disciplinary proceedings, which have been initiated against the petitioner and it is only against the anticipation of the initiation of the disciplinary proceedings, retiral benefits have been withheld.

Counsel for the respondent has not been able to show any order or charge-sheet, which has been issued to the petitioner even as of now. The only averment made in the written statement is that some losses were found for the years 2012-13 and 2013-14, for which the case for initiation of issuance of charge sheet is under process. Reply was filed in January, 2018 and despite the fact that 11 months have elapsed, nothing has been produced today to show that any disciplinary proceedings have been initiated against the petitioner so as to withhold the pensionary benefits.

Keeping in view the above averments, the respondent is directed to pass an appropriate order deciding the claim of the petitioner for the release of the pensionary benefits. A detailed speaking order should be passed deciding the claim of the petitioner within a period of two months from today. In case, after the passing of the order, it is found that the pensionary benefits are to be released, the same should also be released to him immediately within a period of two months thereafter.

The writ petition stands disposed of.

The question of interest would also be decided by the respondent while passing the speaking order.

December 18, 2018

jt

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable : Yes / No