

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

CWP-28276-2018

Date of decision: - 10.12.2018

Subhash Devi

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Arun Sharma, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present case, the petitioner has approached this Court for the release of the gratuity which has been withheld by the respondents on the ground that there is a criminal case pending against the petitioner.

Counsel for the petitioner states that no criminal case is pending against the petitioner at the moment. In FIR No.18 dated 13.06.2007, the petitioner already stands acquitted and it is only an appeal which was filed against the judgment of acquittal is pending and hence, the petitioner has already been acquitted of the charges alleged against her in the said FIR and therefore, at this stage, merely pendency of the appeal will not entitle the respondents to withhold the gratuity.

Counsel for the petitioner states that for the relief which has been sought in the present writ petition, the petitioner has served respondents with a legal notice on 13.06.2018 (Annexure P-17), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is given to the respondents to decide the said legal notice.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 13.06.2018 (Annexure P-17) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order. In case after the decision, it is found that the petitioner is entitled for any monetary benefit, the same shall also be released to her within a period of next three months.

Present writ petition stands disposed of.

December 10, 2018
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No