IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 30504 of 2018
Date of Decision : 03.12.2018

Dharam Pal

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: ***HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI***

Present: Mr. Naveen Singh Panwar, Advocate for the petitioner.

***

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the petitioner is challenging the charge-sheet dated 23.04.2018 (Annexure P-11) on the ground that the same could not have been issued to him. The petitioner has further prayed that his leave encashment and other benefits could not have been stopped by the respondents by taking shelter behind the pendency of the charge-sheet.

During the course of hearing today, learned counsel for the petitioner states that the petitioner does not want to press the prayer with regard to the quashing of the charge-sheet and the present petition be treated only for release of the pensionary benefits.

Learned counsel for the petitioner states that even though the petitioner had filed representations on 19.08.2016 (Annexures P-9 and P-10 respectively) but the same were prior to the issuance of the charge-sheet. The charge-sheet was issued subsequently and as per the law, the petitioner's pensionary benefits could not be withheld.

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There is no fresh representation which has been filed by the petitioner claiming the said relief from the respondents.

In case the petitioner files a representation in respect of the relief for release of the pensionary benefits within a period of four weeks from today, the respondents are directed to consider the same and pass appropriate order deciding the same within a period of three months thereafter.

In case after the passing of the order, the respondents found that the petitioner is entitled for any monetary benefit, the same should also be released to him within a period of next one month.

It is made clear that this Court expresses no opinion on the merits of the case or the entitlement of the petitioner as being prayed in the present writ petition or might be prayed in the representation filed by the petitioner.

The writ petition stands disposed of accordingly.

December 03, 2018 **(HARSIMRAN SINGH SETHI)**
kanchan **JUDGE**

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No

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