

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-6867-2019

Date of decision: - 13.03.2019

Karnail Singh (Retd.)

...Petitioner

Versus

Punjab State and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. H.K. Brinda, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the grievance which is being raised by the petitioner is that he retired on 31.10.2010 and on the said date, there was a charge-sheet pending against him, which was issued to him on 15.07.2010.

Counsel for the petitioner states that after enquiry, nothing was found against the petitioner and the charges were dropped and the suspension period of the petitioner was treated as a period spent on duty.

Counsel for the petitioner further states that due to the said pendency of the charge-sheet, the release of retiral benefits of the petitioner were delayed.

Counsel for the petitioner argues that once due to an allegation made against the petitioner by the department, which later on

was not substantiated and the charge-sheet was dropped, the petitioner will be entitled for interest on the delayed release of the pensionary benefits keeping in view of the law laid down by a Full Bench of this Court in judgment in case A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468.

Counsel for the petitioners further states that for the relief which has been sought in the present writ petition, the petitioner has served the respondents with a legal notice on 29.06.2018 (Annexure P-6), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued 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 or the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 29.06.2018 (Annexure P-6) 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 him within a period of next three months.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

March 13, 2019
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No