

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

CWP-9499-2019

Date of decision: - 09.04.2019

Adbul Latif

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ghulam Nabi Malik, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Counsel for the petitioner contends that at the time of retirement of the petitioner, an FIR No.167 dated 08.09.2005 registered against him was pending. Though, the petitioner was acquitted of the said FIR by the learned Sub-Divisional Judicial Magistrate, Malerkotla, vide his order dated 16.02.2015, which was passed before the retirement, but the appeal filed by the State against the said order was pending on the date of his retirement and therefore, his service/retiral benefits after his retirement were withheld on the ground of the pendency of the said appeal.

Counsel for the petitioner further states that even the appeal filed by the State has also been dismissed by the Additional Sessions Judge, Sangrur on 28.05.2018 and despite the fact that more than eight

years has elapsed since the dismissal of appeal, still, the pensionary benefits, for which the petitioner is entitled for after his retirement, are not being released.

Counsel for the petitioner further states that respondents had sought a legal opinion for the release of the pensionary benefits, which has been given in favour of the petitioner, still no decision has been taken by the respondents to release the pensionary benefits.

Counsel for the petitioner states that the petitioner will be satisfied, at this stage, in case a time bound direction is issued to respondents to decide his case with regard to release of the pensionary benefits.

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 case of the petitioner with regard to release of the pensionary benefits 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.

April 09, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No