

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

CWP-9988-2019

Date of decision: - 12.04.2019

Naresh Chaudhry

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. A.D.S. Jattana, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the prayer of the petitioner is for the release of pensionary benefits.

Counsel for the petitioner contends that a day before the petitioner was to retire, a charge-sheet was served upon him alleging certain allegations. After conducting the enquiry into the said allegations, enquiry officer has submitted his report on 08.07.2016 and in pursuance to the said report, a show-cause notice was issued to the petitioner on 26.07.2016. The said show cause notice was duly replied by the petitioner immediately on 05.09.2016 and thereafter, a direction was issued by respondent No.1 to the Registrar, Cooperative Societies, Haryana, Panchkula to process the notice immediately but still no action was taken to finalize the enquiry proceedings.

Counsel for the petitioner further states that as nothing was being done to finalize the enquiry, the petitioner approached this Court by filing a CWP No.24243 of 2018, which was disposed of by this Court on 01.11.2018, wherein, the petitioner withdrew the writ petition to file a representation in respect of the grievance raised with the respondents.

Counsel for the petitioner further states that fresh representation was submitted by the petitioner to the respondents for taking an appropriate action in respect to finalize the enquiry proceedings and for releasing his pensionary benefits. The said representation was given on 25.11.2018 and as nothing was being done, petitioner served the respondents with a legal notice though dated 25.11.2018 but sent on 01.02.2019 (Annexure P-12).

Counsel for the petitioner argues that on one hand the disciplinary proceedings are not taken to the logical end despite the fact that enquiry report was submitted about two years back, on the other hand, pensionary benefits of the petitioner are withheld only due to the pendency of the said disciplinary proceedings.

Counsel for the petitioner further submits that at this stage, the petitioner will be satisfied in case a time bound direction is issued to the respondents to decide the legal notice submitted by the petitioner dated 25.11.2018 (P-12) served upon the respondents on 01.02.2019, by passing an appropriate speaking order.

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 (P-12) by passing a

speaking order within a period of three months from the date of receipt of a certified copy of this order.

Present writ petition stands disposed of.

April 12, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No