

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

(127)

CWP-12521-2019

Date of Decision: May 13, 2019

Devinder Singh

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Surmukh Singh, Advocate, for
Mr. Vijay Kumar Sharma, 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 an FIR No.97 dated 05.10.1994, under Sections 419, 420, 467, 468, 471, 120-B IPC read with Section 13 (1) (d) and Section 13 (2) of the Prevention of Corruption Act, 1988, was registered against the petitioner and 25 others at Police Station Mohali .

Learned counsel for the petitioner argues that due to the pendency of the said FIR, the petitioner could not be promoted and one post of Senior Assistant was kept vacant. Learned counsel for the petitioner argues that the petitioner was acquitted in the said FIR on 21.07.2016 but by the said date, the petitioner already stood retired. The grievance which is being raised by the petitioner is that the suspension period, for which, the petitioner remained under suspension due to the above mentioned FIR, should be treated as a duty period as the same benefit has already been granted to the similarly situated employee, namely, Amarjit Kaur, who was co-accused in the said FIR and further, the petitioner should also be

promoted to the post of Senior Assistant against the post which was kept vacant vide order dated 31.12.1999.

Learned counsel for the petitioner further states that for the relief which has been claimed in the present writ petition, the petitioner has served the respondents with a legal notice dated 21.09.2018 (Annexure P-8) 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 by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by him in the legal notice dated 21.09.2018 (Annexure P-8), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 21.09.2018 (Annexure P-8) within a period of three months from the receipt of certified copy of this order.

In case, it is found that the petitioner is entitled for any monetary benefits after the decision of the legal notice, the same should also be paid to him within three months thereafter.

May 13, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes
Whether reportable: No