

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 13089 of 2019
Date of Decision : 17.05.2019

Kesar Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mayur Karkra, 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 though he retired on 31.07.2018 but none of his pensionary benefits have been released by the respondents including the pension, GIS and the Provident Fund on the ground that there are two criminal cases pending against him.

Learned counsel for the petitioner argues that as per the settled principle of law settled by the Full Bench of this Court in ***Punjab State Civil Supplies Corporation Limited Vs. Pyare Lal, 2015(1) PLR 617***, only the gratuity and leave encashment can be withheld but not the other benefits for which the petitioner is entitled for and, therefore, non-release of Provident Fund and GIS is contrary to the settled principle of law.

Learned counsel for the petitioner prays that for the relief, which has been claimed in the present writ petition, the petitioner has made

representation dated 01.12.2018 (Annexure P-8) to the respondents and the petitioner will be satisfied in case a time bound direction is given to the respondents to decide the representation by passing a speaking order.

Without going into the merits of the case or expressing any opinion to the entitlement of the petitioner in respect of the claim prayed in the present writ petition or in the representation, the present writ petition is disposed of with a direction to the respondents to pass an appropriate speaking order on the claim raised by the petitioner in the representation dated 01.12.2018 (Annexure P-8) within a period of three months from the date of receipt of certified copy of this order.

In case, after the order, it is found by the respondents that the petitioner is entitled for any monetary benefits, the same should also be released to him within a period of next three months.

The writ petition stands disposed of.

May 17, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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