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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-13476-2019 (O&M)  
Date of decision: - 22.07.2019

O.P.Mehta

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. A.K.Virdi, Advocate  
for the petitioner.

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HARSIMRAN SINGH SETHI, J. (ORAL)

CM-10631-CWP-2019

Present application has been filed to place on record the copy of Rule 7.5 Chapter VII (Vol,I Part 1) of Punjab Civil Services Rule (Haryana) as Annexures P-19 to 21 in compliance to order dated 20.05.2019.

The application is allowed and Annexures P-19 to 21 are permitted to be taken on record.

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In the present writ petition, the grievance which is being raised by the petitioner is that the pensionary benefits of the petitioner for which he is entitled on his retirement were withheld due to pendency of FIR No. 15 dated 19.04.2014 which was registered against the petitioner.

Counsel for the petitioner argues that the said FIR has been quashed by this Court in *CRM-M-9000-2019* titled as *Gaurav Mehta and others Versus State of Haryana and others*, on 09.07.2019 and therefore, now there is no impediment in the release of the pensionary benefits of the

petitioner.

The challenge by the petitioner is to order dated 28.02.2019 by which the respondents has informed the petitioner that till the pendency of the criminal proceedings, the pensionary benefits of the petitioner cannot be released. Counsel for the petitioner states that now, the said impediment is no longer in existence due to quashing of FIR by this Court on 09.07.2019. Counsel prays that the petitioner will move appropriate representation to the respondents bringing to their notice the relevant facts of criminal proceedings coming to end.

In case, the petitioner approach the respondent with a copy of the order passed by this Court by which FIR has been quashed and files any representation in this regard claiming the pensionary benefits, the respondents shall decide the same by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order.

However, it is made clear that, at this stage, this Court is not expressing any opinion on the merits of the case or the entitlement of the petitioner for the relief, as sought in the present writ petition or in the representation, which is sought to be filed by the petitioner, as recorded above. The respondents shall take independent decision about the release of the pensionary benefits to the petitioner in the facts and circumstances of the present case.

Present writ petition stands disposed of.

( HARSIMRAN SINGH SETHI )  
JUDGE

22<sup>nd</sup> July, 2019  
shabha

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|----------------------------|--------|
| Whether reasoned/speaking? | Yes/No |
| Whether reportable?        | Yes/No |