

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 15741 of 2019
Date of Decision : 31.05.2019

Jagbir Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Tarundeep Kumar, Advocate for
Mr. D.S. Pheruman, Advocate for the petitioner.

Harsimran Singh Sethi, J.(Oral)

Learned counsel for the petitioner contends that petitioner had retired on 31.01.2017 as Deputy Range Officer but still the gratuity has not been released to him by the respondents without any valid justification.

Learned counsel for the petitioner argues that there were two complaints, which were made against the petitioner but mere pendency of the complaint will not entitle the respondents to withhold the gratuity of the petitioner. Learned counsel further argues that no charge-sheet whatsoever was served upon the petitioner either during the service career and thereafter and, therefore, the action of respondents to withhold of the gratuity after the retirement of the petitioner is without jurisdiction.

Learned counsel for the petitioner 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 05.04.2019 (Annexure P-6) and

the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the legal notice 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 relief claimed in the present writ petition or in the legal notice, 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 legal notice dated 05.04.2019 (Annexure P-6) 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 31, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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