

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

CWP No. 11035 of 2013

Date of decision : 13.09.2019

Shiv Kumar Sharma

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sanjay Jain, Advocate for the petitioner.

Ms. Safia Gupta, Assistant Advocate General, Haryana.

Mr. Raman B. Garg, Advocate
for respondents No. 4 and 5.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner states that the claim of the petitioner in the present writ petition was for the release of the pensionary benefits, which have been withheld by the respondents after his retirement.

Learned counsel very fairly states that during the pendency of the writ petition, petitioner has been convicted by the competent Court of law vide judgment dated 07.09.2016, against which he has already preferred an appeal, which is pending before the Appellate Court.

Learned counsel states that the petitioner be allowed to withdraw this writ petition to await the decision of his appeal and in case he is exonerated of the charges, he be given liberty to re-agitate his claim as raised in the present writ petition.

Learned counsel for the respondents states that even this writ petition was not maintainable and, therefore, he cannot be given liberty.

This objection cannot be considered at this stage. Once the petitioner is withdrawing this petition with liberty to file a fresh one, in case he files a fresh one, it will be open to the respondents to take all possible objections available to them.

Dismissed as withdrawn, with liberty, as prayed for.

September 13, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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