

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CWP No.15301 of 2019**

**DATE OF DECISION:25.09.2019**

Rajinder Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

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

Present: Ms. Sonia G. Singh, Advocate  
for the petitioner.

**HARSIMRAN SINGH SETHI, J. (ORAL)**

Counsel for the petitioner argues that though the petitioner has already superannuated on attaining the age of superannuation on 31.03.2019 but all the benefits, for which he is entitled after the retirement, have been withheld on the ground that there are two chargesheets pending against him issued on 31.01.2015 and 12.04.2018, is illegal and arbitrary.

During the course of hearing, counsel for the petitioner restricts the claim in this writ petition only for the release of the provisional pension and the GPF.

Counsel for the petitioner fairly admits that keeping in view the law laid down by the Full Bench of this Court in **Punjab State Civil Supplies Corp. Vs. Pyare Lal**, 2014(4) SCT 711, only the benefit of gratuity and leave encashment can be withheld by the

respondents and even during the pendency of the proceedings, the employee is entitled for 100% provisional pension as well as release of the GPF.

Counsel for the petitioner states that in the present case, no benefit has been released by the respondents on account of pendency of two chargesheets including provisional pension and G.P.F.

Counsel for the petitioner prays that a direction be issued to the respondents to release the provisional pension as well as GPF for which the petitioner is entitled after the retirement on 31.03.2019.

Counsel for the petitioner further states that for the relief, which has been claimed in the present writ petition, petitioner has served the respondents with a legal notice dated 24.04.2019 (Annexure P-4), which is still pending consideration and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide his claim as raised in the legal notice dated 24.04.2019 (Annexure P-4).

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 24.04.2019 (Annexure P-4), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 24.04.2019 (Annexure P-4) within a period of three months from the receipt of 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.

Present writ petition stands disposed of.

**September 25, 2019**  
**jt**

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

Whether speaking/reasoned: Yes / No  
Whether reportable : Yes / No