

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

(108)

CWP-16176-2019

Date of Decision: September 05, 2019

Rajiv Kumar

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Raj Kumar Chandna, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioner argues that the petitioner superannuated on 28.02.2019 and his pensionary benefits have been withheld by the respondents on the ground that there were two complaints pending against the petitioner on the date when he superannuated.

Learned counsel for the petitioner argues that both the complaints already stand decided and nothing was found against the petitioner and even otherwise, the pensionary benefits could not have been stopped merely on the basis of the complaints as the complaints cannot be treated as a disciplinary proceedings against the petitioner so as to entitle the respondents to withhold the pensionary benefits.

A prayer is made for issuance of a direction to the respondents to release the pensionary benefits of the petitioner forthwith.

Learned counsel for the petitioner very fairly admits that before approaching this Court, the petitioner has not approached the respondents for the release of the benefits as being sought in the present writ petition. Mandamus cannot be issued without there being a claim of the right raised before the respondents.

Faced with this situation, learned counsel for the petitioner states that he be allowed to withdraw the present writ petition with liberty to approach the respondents in respect of the claim as being raised in the present writ petition.

Dismissed as withdrawn with liberty as prayed for.

(HARSIMRAN SINGH SETHI)
JUDGE

September 05, 2019
harsha

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