

CWP No.16116 of 2014
CWP No.17918 of 2014
CWP No.25787 of 2014

[1]

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

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CWP No.16116 of 2014
Decided on : 22.07.2019

Bhag Singh

... Petitioner

Versus

The Punjab State Warehousing Corporation and another

.. Respondents

CWP No.17918 of 2014

Subhash Babu

... Petitioner

Versus

The Punjab State Warehousing Corporation and another

.. Respondents

CWP No.25787 of 2014

P.K.Mittal

... Petitioner

Versus

The Punjab State Warehousing Corporation and another

.. Respondents

CORAM : HON'BLE MR.JUSTICE HARSIMRAN SINGH SETHI

Present : Mr.J.P.Rana, Advocate
for the petitioner.

Mr.Dinesh Kumar, Advocate
for the petitioner in CWP No.25787 of 2014.

Mr.K.B.Raheja, Advocate
for respondents in CWP No.16116 of 2014.

Mr.Vikas Singh, Advocate
for respondents-CWP No.17918 of 2014, CWP No.17855 of
2014 and CWP No.25787 of 2014.

Harsimran Singh Sethi, J. (Oral)

The above mentioned writ petitions are being decided by this Court with a common order as same question of law is involved and facts are similar.

The brief facts are taken from CWP No.16116 of 2014 titled as Bhag Singh Vs. The Punjab State Warehousing Corporation and another".

In the present writ petition, order by which the provisional pension was sanctioned to the petitioner after his retirement has been stopped, has been impugned.

Prayer of the petitioner is that he should be allowed to draw provisional pension, which he was receiving prior to passing of the impugned order.

Learned counsel for the petitioner, during the course of hearing admitted that against the impugned order of stoppage of his pension, the petitioner had approached the appellate authority by filing an appeal which appeal, has been attached alongwith the writ petition as Annexure P-6.

Learned counsel for the respondents states that the appellate authority has decided the appeal and passed the appropriate orders while rejecting the same. Learned counsel for the respondents states that though the orders have already been sent to the petitioner but a copy of the same will also be supplied to learned counsel for the petitioner so that in case the orders passed in appeal have not been received by the petitioner,

counsel appearing on behalf of the petitioner, should supply the same to the petitioner.

Learned counsel for the petitioner prays that as fresh order in the appeal has been passed by the respondents whereby his claim has been rejected, the said order needs to be challenged, therefore, he may be allowed to withdraw the present writ petition with liberty to file a fresh one on the same cause of action by challenging the order which the appellate authority has passed on the appeal preferred against the impugned order by which his pension has been stopped.

Learned counsel for the respondents have no objection to the same.

The petitioner is allowed to withdraw the present writ petition with liberty to file a fresh one on the same cause of action by impugning the order which the appellate authority has passed rejecting his appeal.

Learned counsel for the petitioner states that during the pendency of this writ petition, keeping in view the interim order passed by this Court, the petitioner has been allowed to pay the pension for the period he worked.

Learned counsel for the respondents very fairly states that in case the petitioner is already getting pension keeping in view the interim order passed by this Court, he will continue to get the same till July 31, 2019 and the said order will remain continue till then so that the petitioner can avail his remedy by approaching the appropriate authority

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against the said order.

Keeping in view the above, the writ petition is dismissed as withdrawn with liberty as prayed for.

However, the respondents will be bound by the undertaking as recorded above.

[HARSIMRAN SINGH SETHI]
JUDGE

22.07.2019
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No