

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

(124)

CWP-18023-2019

Date of Decision: July 08, 2019

Chanan Singh

.. Petitioner

Versus

Punjab State Power Corporation Ltd and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Pankaj Sharma, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioner states that there was a criminal case registered against the petitioner being FIR No.78 dated 26.11.2001. Keeping in view the said FIR, petitioner was suspended by the respondents in the year 2001 and he remained under suspension till May, 2002 when he was reinstated. Petitioner retired from service on 29.02.2004 and later on petitioner was acquitted in FIR No.78 dated 26.11.2001. He further states that after the acquittal, petitioner was entitled for the release of the pensionary benefits such as gratuity and leave encashment, which were being withheld by the respondents.

Learned counsel for the petitioner argues that the benefits are not being released on the ground that against the acquittal, the respondents have preferred an appeal which is pending before this Court. Counsel for the petitioner argues that pendency of an appeal will not entitle the respondents to withhold the pensionary benefits once the petitioner has already been acquitted of the same allegations by the competent Court of law.

Admittedly, the petitioner has not approached the respondents by filing any representation or serving any legal notice for the claim, which is being made in the present writ petition. For the issuance of mandamus, there has to be a claim by the concerned employee, which is missing in the present case.

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 by raising his grievance as noticed above.

Dismissed as withdrawn with liberty as prayed for.

In case, any representation is filed by the petitioner claiming the benefit of leave encashment and gratuity, the same will be decided by the respondents at the earliest preferably within a period of three months from the receipt of the same. It is made clear that this Court expresses no opinion on the merits of the case or on the claim which petitioner will make before respondents as per the liberty given.

July 08, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned:	Yes
Whether reportable:	No