

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

CWP-18699-2018

Date of decision: - 26.02.2019

Jagdish Kumar

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. R.S. Malik, Advocate, for the petitioner.

Ms. Nidhi Garg, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

Counsel for the petitioner states that the pensionary benefits of the petitioner were being withheld by the respondents on the ground that there was a charge-sheet, which was pending against the petitioner at the time of retirement. He submits that vide order dated 12.02.2019, even the charge-sheet has been dropped and hence, now there is no impediment in the release of the pensionary benefits of the petitioner.

Counsel for the petitioner states that the petitioner retired on 31.12.2017 and it is already more than one year that the petitioner is without the pensionary benefits and it is very difficult and hard to survive under these circumstances.

Counsel for the petitioner states that respondents be directed to pass appropriate orders for the release of the pensionary benefits in view of the subsequent facts, which have emerged after the filing of the present writ petition.

Counsel for the respondents undertakes that keeping in view the statement made by counsel for the petitioner that the charge-sheet already stands dropped and there is no impediment, respondent department will pass the appropriate orders within a period of one month from the date of receipt of certified copy of this order in respect of the release of the pensionary benefits of the petitioner and in case there is no other impediment, the same will be released to him expeditiously within a period of one month thereafter.

In view of the above, the present writ petition stands disposed of with the directions to the respondents to comply with the undertaking given by the counsel for the respondents.

Now, counsel for the petitioner states that as the pensionary benefits were withheld due to the pendency of a charge-sheet and the allegations in the charge-sheet were not substantiated, petitioner is entitled for interest as per the law laid down by a Full Bench of this Court **A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468** .

In this regard, the respondents are directed to keep in mind the above-mentioned judgment, as noticed above, for the grant of interest at the time of passing of appropriate orders in respect of the release of the pensionary benefits of the petitioner.

February 26, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No