IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 18854 of 2018
Date of Decision : 21.01.2019

Maghar Singh alias Maghar Singh Sidhu

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Siddharth Gupta, Advocate for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab
for respondents No. 1 to 5.

Mr. Harbans Sharma, Advocate for respondents No. 6 and 7.

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Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the prayer is for issuance of direction to the respondents to release the retiral benefits including the gratuity.

It has been contended that the petitioner retired on 17.02.2018 and after the retirement, a Resolution dated 17.02.2018 (Annexure P-1)was passed by respondents No. 5 and 6 for release of the retiral benefits. Learned counsel for the petitioner states that despite there being a Resolution in his favour, no payment was released.

Reply on behalf of respondents No. 6 and 7 has been filed in Court today, wherein the respondents have stated that the petitioner has not retired. Though the earlier order was passed in his favour, the same has already been set-aside by the Deputy Registrar Cooperative Societies, Bathinda on 28.12.2018 (Annexure R-6-7/4).

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In view of this, once a Resolution passed in favour of the petitioner retiring him from service has been set-aside and it is deemed that the petitioner is in service, hence no pensionary benefits could be granted to the petitioner.

At this juncture, learned counsel for the petitioner states that he be allowed to withdraw the present writ petition with liberty to challenge the order dated 28.12.2018 (Annexure R-6-7/4) by filing appropriate proceedings before the appropriate authority.

Dismissed as withdrawn with liberty as prayed for.

January 21, 2019 **(HARSIMRAN SINGH SETHI)**
kanchan **JUDGE**

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No

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