

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-22148 of 2019

Date of decision: - 22.08.2019

Malak Singh

....Petitioner

Versus

Punjab School Education Board and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Manbir Singh Batth, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

In the present writ petition, the grievance of the petitioner is that though the proceedings are pending before this Court in a Criminal Revision No. 3872 of 2014 against the petitioner but the said proceedings cannot come in the way of the petitioner for stopping of the pensionary benefits.

Learned counsel for the petitioner argues that under the rules governing the service and keeping in view the law laid down by the Full Bench of this Court in ***Punjab State Civil Supplies Corporation Vs. Pyare Lal, 2014(4) SCT 711***, except the gratuity and leave encashment, all other benefits are liable to be released to the petitioner after his retirement. Learned counsel further argues that keeping in view the order passed by this Court on 03.02.2016 in CRM No. 24023 of 2015, where the conviction of the petitioner has been stayed, the respondents cannot treat the petitioner as

a convict employee and withhold all his pensionary benefits. Counsel prays that a direction be issued to the respondents for the release of the benefits.

Learned counsel for the petitioner states that for the relief, which has been claimed in the present writ petition, petitioner has served respondents with a legal notice on 08.07.2019 (Annexure P-10), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the said legal notice.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 08.07.2019 (Annexure P-10) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order.

Writ petition stands disposed of accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

August 22, 2019
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Whether reasoned/speaking? *Yes*
Whether reportable? *No*