

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-22863-2018

Date of decision: - 26.02.2019

Sukhdev Raj

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. S.S. Brar, Advocate,
for the petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

Mr. Himmat Singh, Advocate
for Mr. Tarun Vir Singh Lehal, Advocate
for respondents No.3 and 4.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the grievance which has been raised by the petitioner is that his pensionary benefits are not being released on the ground that the petitioner has been convicted in an FIR No.127 dated 04.07.2009 and has been sentenced to undergo imprisonment for a period of one year and three months.

Counsel for the petitioner further states that no order has been passed by the respondents withholding the benefits as required under Rule 2.2 of the Punjab Civil Services Rules and therefore, in the absence of any order withholding the gratuity, respondents are liable to pay the same.

Counsel for the petitioner states that at this stage, the petitioner will be satisfied in case a time bound direction is issued to the respondents to decide the legal notice dated 10.04.2018 (Annexure P-4), which he has served with the respondents in respect of the relief, which is claimed in the present writ petition.

Counsel for the respondents states that he has no objection with regard to the prayer made by counsel for the petitioner for passing of the appropriate orders on the legal notice dated 10.04.2018 (Annexure P-4), submitted by the petitioner, in a time bound manner.

In view of the above, present writ petition is disposed of with the directions to the respondents to pass the appropriate orders on the legal notice dated 10.04.2018 (P-4) served by the petitioner, within a period of two months from the date of receipt of certified copy of this order. In case after the decision, it is found that the petitioner is entitled for any monetary benefit, the same shall also be released to him within a period of next one month.

However, it is made clear that this Court does not express any opinion on the merits of the case and the claim being made in the present writ petition or in the legal notice.

(HARSIMRAN SINGH SETHI)
JUDGE

February 26, 2019
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Whether reasoned/speaking?	Yes
Whether reportable?	No