

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 3984 of 2016
Date of Decision : 10.05.2019

Baldev Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Ms. Bhupinder Kaur, Advocate for
Mr. Kapil Kakkar, Advocate for the petitioner.

Ms. Deepali Puri Sandhu, Addl. A.G., Punjab.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, prayer made by the petitioner is for releasing of the pensionary benefits after the petitioner retired from service on 31.05.2010.

Learned counsel for the petitioner argues that after rendering approximately 31 years of service, petitioner superannuated on 31.05.2010 but all his pensionary benefits, for which he was entitled, were not being released by the respondents and feeling aggrieved against the said action, the present writ petition was filed.

In reply to the claim of the petitioner, the respondents have stated that there is an FIR No. 50 dated 11.08.2006, under Sections 409, 467, 468, 471 IPC and under Sections 3(1) D, 13(2) of the Prevention of Corruption Act registered against the petitioner on the allegation of an

embezzlement of an amount of ₹73,710/-. Keeping in view the pendency of the said proceedings, the benefits after the retirement were not released.

Learned counsel for the petitioner inform this Court that vide order dated 03.08.2018, petitioner has already been acquitted in respect of the FIR No. 50 dated 11.08.2006, under Sections 409, 467, 468, 471 IPC and under Sections 3(1) D, 13(2) of the Prevention of Corruption Act and, therefore, now there is no impediment in the release of the pensionary benefits to the petitioner.

Learned counsel for the respondents states that in view of these new developments, the department will consider the request of the petitioner for the release of the pensionary benefits and pass appropriate orders in respect of the release of the same. She seeks two months' time to pass appropriate orders in this regard.

Learned counsel for the petitioner prays that in case after the order is passed by the respondents and the petitioner is found entitled for the benefits, the same be released in a time bound manner.

The present writ petition is disposed of with the direction to the respondents to consider the case of the petitioner for the release of the pensionary benefits in view of the subsequent development that the petitioner has already been acquitted in the FIR No. 50 dated 11.08.2006, under Sections 409, 467, 468, 471 IPC and under Sections 3(1) D, 13(2) of the Prevention of Corruption Act, which was the only impediment as per the respondents for the releasing of those pensionary benefits.

Let appropriate order be passed by the respondents in respect of the claim of the release of full pensionary benefits to the petitioner within a

period of two months from the receipt of copy of this order and in case it is found that petitioner is entitled for the benefits, the same will also be released to the petitioner within a period of two months thereafter.

Writ petition stands disposed of.

May 10, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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