

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-22995 of 2019

Date of decision: - 28.8.2019

Sucha Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Harminder Singh, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

The grievance of the petitioner in the present writ petition is that though he had retired on attaining the age of superannuation on 31.05.2015 but the benefits for which he was entitled, were not released due to the pendency of a criminal case in respect of an FIR No. 62 dated 23.04.2010.

Learned counsel for the petitioner states that after the retirement, amount of GPF was paid on 08.03.2016 and leave encashment was paid in the month of February, 2016, whereas the gratuity was withheld due to the pendency of the criminal case pending against the petitioner. Learned counsel for the petitioner states that petitioner was acquitted on 31.03.2018 from the said FIR after which the petitioner submitted a representation to the respondents for the release of the gratuity. As the

gratuity was not released, petitioner served the respondents with a legal notice dated 18.04.2019 (Annexure P-4) for the release of the gratuity alongwith interest as well as interest on the delayed payments, which were released to the petitioner in March, 2016.

Learned counsel for the petitioner further states that the said legal notice 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 18.04.2019 (Annexure P-4) by passing a speaking order within a period of three months from the date of receipt of a 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 three months.

Writ petition stands disposed of accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

August 28, 2019
kanchan

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