

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

(126)

CWP-26208-2019

Date of Decision: September 17, 2019

Amarjit Singh

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. J.S. Jaidka, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioner argues that the petitioner retired from service on 31.01.2016 after which he was granted extension for a period of one year but the said extension was withdrawn on 08.08.2016 due to the pendency of an FIR No.59 dated 28.04.2016, registered under Sections 354(a) (1) and 506 of IPC, 1860, against the petitioner. Counsel for the petitioner argues that due to the pendency of the said FIR, petitioner was not given the regular pension but only provisional pension was being granted to him and his gratuity was withheld. The said FIR was quashed by this Court vide order dated 20.11.2018 in CRM-M No.36881 of 2018 and after the said date, there are no proceedings pending against the petitioner, which would entitle the respondents to withhold his pensionary benefits.

Learned counsel for the petitioner argues that the respondents are under obligation to grant the petitioner the regular pension as well as release the gratuity amount which has been withheld by the respondents.

Learned counsel for the petitioner fairly admits that after quashing of the FIR by this Court on 20.11.2018, petitioner has not approached the respondents for the release of the pensionary benefits.

Once, the petitioner has not claimed the said benefits from the respondents by informing them about the quashing of the FIR by this Court, the present writ petition is not maintainable as for issuance of a writ of mandamus, he has to approach the respondents first to raise the claim before seeking writ of mandamus.

Faced with this situation, learned counsel for the petitioner states that he be allowed to withdraw the present writ petition with liberty to approach the respondents by filing an appropriate representation informing them about the fact that at present no proceedings are pending against the petitioner and the retiral benefits of the petitioner be released at the earliest.

Dismissed as withdrawn with liberty as prayed for.

(HARSIMRAN SINGH SETHI)
JUDGE

September 17, 2019
harsha

Whether speaking/reasoned: Yes
Whether reportable: No