

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-26021-2019

Date of decision: - 16.09.2019

Rajiv Kumar

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: - Mr. Raj Kumar Chandna, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Counsel for the petitioner argues that petitioner has retired from service on attaining the age of superannuation on 28.02.2019, but the benefits for which he was entitled for after his retirement in respect of the service which he had rendered with the respondent-Municipal Council, has not been paid to him only on the ground that there are two complaints pending against him when he retired.

Counsel for the petitioner further argues that there is no charge-sheet, which has been served upon the petitioner and it is only in case the charge-sheet is served, it can be stated that the disciplinary proceedings are pending and therefore, the withholding of the benefits by the respondents is without any jurisdiction. Counsel prays that a direction be issued to the respondents to release the pensionary benefits of the petitioner forthwith.

Counsel for the petitioner states that for the relief which has been sought in the present writ petition, petitioner has submitted a representation dated 25.04.2019 (Annexure P-6) to the respondents, which is still pending consideration with them and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the said representation by passing a speaking order.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, the respondents are directed to decide the representation dated 25.04.2019 (Annexure P-6) 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 three months thereafter.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

September 16, 2019
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Whether reasoned/speaking?	Yes
Whether reportable?	No