

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

(119)

CWP-27548-2019

Date of Decision: September 25, 2019

Ram Dhari

.. Petitioner

Versus

Haryana Shahri Vikas Paradhikaran (HSVP) and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Sonia G. Singh, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioner argues that if the proceedings against an employee are pending even after retirement, employee will still be entitled for 100% provisional pension and the release of the GPF keeping in view the law laid down by the Full Bench of this Court in **LPA No.113 of 2012 titled as Punjab State Civil Supplies Corporation Ltd Vs. Pyare Lal, decided on 11.08.2014,** wherein it has been held that only gratuity and leave encashment of an employee can be withheld. Learned counsel for the petitioner argues that no benefit of the petitioner has been released so far by the respondents, which is contrary to the settled principle of law as settled by this Court in **Pyare Lal's case (supra)**.

Learned counsel for the petitioner prays that a direction be issued to the respondents to release 100% provisional pension and the GPF amount for which petitioner is entitled after he retired on 31.07.2018.

Learned counsel for the petitioner states that for the release of the GPF amount, provisional pension as well as ACP, the petitioner has served the respondents with a legal notice dated 31.07.2019 (Annexure P-8) which 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

respondent No.2 to decide the said legal notice by passing an appropriate speaking order.

Learned counsel for the petitioner further states that even the ACP, which was due to the petitioner in the year 2011, has not been released to him so far.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by him in the legal notice dated 31.07.2019 (Annexure P-8), the present writ petition is disposed of with a direction to respondent No.2 to decide the legal notice dated 31.07.2019 (Annexure P-8), within a period of three months from the receipt of certified copy of this order.

In case, it is found that the petitioner is entitled for any monetary benefits after the decision of the legal notice, the same should also be paid to him within three months thereafter.

September 25, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No