

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

(128)

CWP-27702-2019

Date of Decision: September 26, 2019

Navtej Inder Kumar

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Anureet Budwal, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioner states that though at the time when the petitioner retired on 31.03.2016, there was a charge-sheet pending but the said charge-sheet was dropped by the respondents on 06.03.2018, after which the petitioner was granted the pensionary benefits. Learned counsel for the petitioner argues that as the pensionary benefits were withheld because of the allegations mentioned in the charge-sheet, which allegations, the respondents failed to substantiate, therefore, the petitioner is entitled for the benefit of interest for the delayed release of the pensionary benefits as delay was attributable to the respondents for alleging incorrect allegations against the petitioner due to which, the benefits of the petitioner were withheld. Counsel for the petitioner argues that act of the respondents of issuing a charge-sheet on an allegation which they failed to substantiate cannot cause prejudice to the petitioner and petitioner is entitled for the grant of interest on the delayed release of the pensionary benefits.

Learned counsel for the petitioner states that for the relief which has been claimed in the present writ petition, the petitioner has served the respondents with a legal notice dated 05.08.2019 (Annexure P-9) 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 the respondents to decide the said legal notice by passing an appropriate speaking order.

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 05.08.2019 (Annexure P-9) , the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 05.08.2019 (Annexure P-9), 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.

(HARSIMRAN SINGH SETHI)
JUDGE

September 26, 2019
harsha

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