

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

(118)

CWP-27942-2019

Date of Decision: September 27, 2019

Gulshan Rai Nagpal

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ramneek Vasudeva, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioner states that even if the criminal proceedings against an employee are pending, still all the retiral benefits cannot be withheld and employee will be entitled for 100% provisional pension as well as the release of General Provident Fund. Learned counsel for the petitioner further states that only the leave encashment and the gratuity can be withheld keeping in view the provisions of the Punjab Civil Services Rules but in the present case even the GPF for which the petitioner is entitled, have been withheld by the respondents apart from the DCRG and leave encashment.

The prayer of the petitioner is for directing the respondents to release the GPF of the petitioner for which he became entitled after superannuation.

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 08.07.2019 (Annexure P-4) 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 08.07.2019 (Annexure P-4), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 08.07.2019 (Annexure P-4), within a period of three months from the receipt of certified copy of this order.

September 27, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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