

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

CWP-30342-2019

Date of decision: - 19.10.2019

Bharat Bhushan Sharma

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: - Ms. Gursimran Kaur, Advocate
for Mr. ADS Bal, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Learned counsel for the petitioner states that while the petitioner was in service, an FIR No.176 dated 18.09.2012 was registered against him. Counsel argues that in respect of the said FIR, petitioner was arrested on 23.07.2014 and remained in custody till 28.07.2014 and because of the said arrest, he was placed under suspension on 08.09.2014 with retrospective effect and he remained under suspension till 19.06.2017, when the said suspension was revoked, subject to the outcome of the FIR No.176 dated 18.09.2012. Counsel for the petitioner further argues that due to the said suspension, petitioner was not extended the benefit of the ACP scales, for which he became entitled for, on account of the criminal proceedings pending in respect of FIR No.176

dated 18.09.2012 and during the pendency of the said proceedings, petitioner attained the age of superannuation and retired on 31.12.2018.

Counsel for the petitioner argues that no benefit after the retirement was extended to the petitioner, except the provisional pension, which also has stopped from the month of June, 2019, though, he has already been acquitted in FIR No.176 dated 18.09.2012, vide judgment dated 16.03.2019 (Annexure P-8).

Learned counsel for the petitioner further argues that after the acquittal, petitioner is entitled for the regularization of his suspension period from 23.07.2014 till 09.07.2017 as well as the grant of ACP scales for which he became entitled for during his service career. Counsel for the petitioner prays that a direction be issued to the respondents to release the gratuity, leave encashment, commuted value of pension, which have been withheld, alongwith interest.

Counsel for the petitioner states that for the relief, which has been sought in the present writ petition, petitioner has submitted the representations dated 30.04.2019; 08.05.2019 and 09.09.2019 (Annexures P-9 to P-11) respectively, which are 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.3 to decide the said representations.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, respondent No.3 is directed to decide the representations dated 30.04.2019; 08.05.2019 and 09.09.2019 (Annexures P-9 to P-11)

respectively 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.

October 19, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No