

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 31137 of 2019

Date of decision : 29.10.2019

Rajinder Singh and another

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Madan Lal Saini, Advocate for the petitioners.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioners argues that till today, there is no challan which has been submitted against the petitioners in FIR No. 21 dated 14.07.2009 and rather the sanction to prosecute the petitioners has already been refused by the Administrative Department but still after the retirement of the petitioners on 30.04.2012 and 30.09.2012 respectively, the gratuity of the petitioners has been withheld and the petitioners are only being paid the provisional pension. Learned counsel for the petitioners relies upon the judgment of the Hon'ble Supreme Court of India in the case of ***Union of India Vs. K.V. Jankiraman, (1991) 4 SCC 109***, to contend that till the charges are framed in the criminal proceedings, no proceedings are stated to be in operation and, therefore, the retiral benefits of the petitioners cannot be withheld keeping in view the FIR No. 21 dated 14.07.2009.

Learned counsel for the petitioners states that for the relief, which has been claimed in the present writ petition, petitioners have served the respondents with a legal notice dated 14.08.2019 (Annexure P-8), which is still pending consideration with the respondents and the petitioners will be satisfied, at this stage, in case a time bound direction is issued to respondent No. 2 to decide the said legal notice.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioners, the respondent No. 2 is directed to decide the legal notice dated 14.08.2019 (Annexure P-8) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order.

Writ petition stands disposed of accordingly.

October 29, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *No*