

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-33002-2019

Date of decision: - 15.11.2019

Kuldeep Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: - Mr. Ajay R.P. Singh, Advocate
for Mr. Inderjeet Singh, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Counsel for the petitioner argues that though an FIR No.227 dated 17.10.2013 was pending against the petitioner when he retired on attaining the age of superannuation on 03.01.2015, but the said FIR cannot be taken as a ground for withholding the pensionary benefits of the petitioner as there was no challan put up in the said FIR till his date of retirement so as to constitute judicial proceedings pending against the petitioner keeping in view the law laid down by the Hon'ble Supreme Court in **Union of India** Vs. **K.V. Jankiraman**, 1991(4) SCC 109, wherein, it has been held that it is only after the filing of the challan in the criminal proceedings, it can be stated that any proceedings are pending against an employee so as to entitle the employer to withhold the benefits and therefore, withholding of the benefits by the respondents in

the present case only on the basis of an FIR, which are mere allegations and in which cancellation report has already been submitted by the police, is beyond the jurisdiction of the respondents.

Counsel for the petitioner prays that a direction be issued to the respondents to release the pensionary benefits of the petitioner which have been withheld by the respondents due to the pendency of FIR No.227 dated 17.10.2013.

Counsel for the petitioner states that for the relief, which has been sought in the present writ petition, petitioner has submitted a representation dated 14.05.2019 (Annexure P-6), 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 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, the respondents are directed to decide the representation dated 14.05.2019 (Annexure P-6) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order.

Present writ petition stands disposed of.

November 15, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No