

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(123)

CWP No. 34140 of 2019

Date of Decision : 02.12.2019

Shiv Kumar

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Chanderhas Yadav, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner argues that petitioner retired from service on attaining the age of superannuation in October, 2003 but even after expiry of 16 years, without there being any valid justification, petitioner is still being paid only 90% of the provisional pension. Learned counsel for the petitioner argues that keeping in view the law laid down by the Full Bench of this Court in ***Punjab State Civil Supplies Corporation Limited Vs. Pyare Lal***, 2014(4) SCT 711, an employee is entitled for 100% provisional pension, even if any disciplinary proceeding is pending and in the present case, there are no proceedings pending against the petitioner but still only 90% provisional pension is being paid. The prayer of the petitioner is for issuance of a direction to the respondents to release his 100% pension alongwith arrears.

Learned counsel for the petitioner states that for the relief,

which has been claimed in the present writ petition, petitioner has served the respondents with a legal notice dated 16.08.2019 (Annexure P-12), 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.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 16.08.2019 (Annexure P-12) 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 next three months.

Writ petition stands disposed of accordingly.

December 02, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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