

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

(109)

CWP-32678-2018

Date of Decision: January 10, 2019

Narinder Singh

..Petitioner

Versus

Punjab State Power Corporation Limited and others ..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Pankaj Sharma, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the claim of the petitioner is that even though he retired on 30.06.2018 but his retiral benefits are not being released by the respondents.

Learned counsel for the petitioner states that only the provident fund has been paid but no leave encashment and other benefits including the pension have been paid so far, which cannot be withheld by the respondents.

Learned counsel for the petitioner admits that there is a charge-sheet which is pending against the petitioner.

Learned counsel for the petitioner contends that the mere pendency of the charge-sheet will not entitle the respondents to withhold all the pensionary benefits keeping in view the law laid down by the full Bench of this Court in **LPA No.113 of 2012 titled as Punjab State Civil Supplies Corporation Ltd. Vs. Pyare Lal decided on 11.08.2014 reported as (2014 (4) S.C.T. 711).**

Learned counsel for the petitioner further 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 13.09.2018 (Annexure P-3) and the petitioner will be satisfied, at this stage, in case a time bound direction is given to the respondents to decide the legal notice dated 13.09.2018 (Annexure P-3) by passing a 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 13.09.2018 (Annexure P-3), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 13.09.2018 (Annexure P-3) within a period of three months from the receipt of certified copy of this order.

In case, it is found that the petitioner is entitled to any monetary benefits after the decision of the legal notice, the same should also be paid to the petitioner within three months thereafter.

January 10, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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