

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(116)

CWP No. 34525 of 2019

Date of Decision : 27.11.2019

Ashok Kumar

....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Rajesh Kumar Moudgil, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner submits that though an FIR No. 11 dated 14.01.2014 registered against the petitioner, is still pending before the Competent Court of Law but the retiral benefits of the petitioner, who retired on 31.03.2018, cannot be withheld as no charges have been framed in the said FIR. Learned counsel argues that keeping in view the law laid down by the Hon'ble Supreme Court of India in ***Union of India Vs. K.V. Jankiraman, (1991) 4 SCC 109***, it is only when the charges are framed in the criminal proceedings, it can be deemed that the criminal proceedings are pending and prior to the said date, there are only allegations and, therefore, as no charges have been framed against the petitioner in respect of the FIR No. 11 dated 14.01.2014, pendency of the same cannot be taken into consideration for withholding the pensionary benefits of the petitioner.

The prayer of the petitioner is for issuance of a direction to the respondents to release the pensionary benefits of the petitioner forthwith.

Learned counsel for the petitioner states that for the relief, which has been claimed in the present writ petition, petitioner has served to the respondents a legal notice dated 31.10.2019 (Annexure P-5), 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 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 petitioner, the respondent No. 2 is directed to decide the legal notice dated 31.10.2019 (Annexure P-5) 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.

November 27, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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