

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-35466 of 2019

Date of decision: 06.12.2019

Mohan Lal Kaushik

.... Petitioner

versus

State of Haryana and others

.... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Shalender Mohan, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. .

Learned counsel for the petitioner submits that the pensionary benefits of the petitioner have been withheld by the respondents on the basis of FIR, wherein, charges are yet to be framed even upto now. Learned counsel for the petitioner further states that even sanction has not been accorded by the competent authority for prosecuting the petitioner. Learned counsel for the petitioner argues that in view of the law laid down in **Union of India vs. K.V. Jankiraman 1991(4) SCC 109**, the criminal proceedings will only be treated as pending from the date when the charges are framed and in the present case no charges have been framed against the petitioner, therefore, no criminal proceedings can be treated to be pending against the petitioner so as to give jurisdiction to the respondents to withhold his pensionary benefits. Prayer of the petitioner is to issue direction to the respondents to release the withheld pensionary benefits of the petitioner forthwith.

Learned counsel for the petitioner states that for the relief, which is being claimed in the present writ petition, the petitioner has served the

respondents with legal notice dated 07.06.2019 (Annexure P/4), 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 respondent No.1 to decide the said legal notice.

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 respondent No.1 is directed to decide the legal notice dated 07.06.2019 (Annexure P/4) 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.

(HARSIMRAN SINGH SETHI)
JUDGE

06.12.2019
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| 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable? | Yes/No |