

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

**CWP No.36009 of 2019 (O&M)
Date of decision : December 12, 2019**

Sh. Raj Rishi Sharma

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ram Niwas Sharma, Advocate for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner states that on the date when the petitioner retired from service on attaining the age of superannuation on 31.07.2017, a charge-sheet was pending against him, due to which his pensionary benefits were withheld by the respondents.

Learned counsel for the petitioner further states that the said charge-sheet has been dropped by the respondents on 21.12.2017, after which, there is no impediment in the release of the pensionary benefits of the petitioner but still despite the lapse of more than two years after the dropping of the charge-sheet against the petitioner, all the pensionary benefits of the petitioner have not been released to him and that too without any valid justification.

Learned counsel for the petitioner argues that once after 21.12.2017, there is no impediment in the release of the pensionary benefits, the petitioner was entitled for the release of the pensionary benefits within a period of two months, which is the reasonable time as held by the Full Bench of this Court in case of “*A.S. Randhawa vs State of Punjab*”, 1997

(3) SCT 468. Prayer of the petitioner is for issuance of a direction to respondent Nos.2 and 3 to release all the pensionary benefits to the petitioner forthwith.

Counsel for the petitioner states that for the relief which has been sought in the present writ petition, petitioner has served upon the respondents a legal notice dated 27.08.2019 (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 Nos.2 and 3 to decide the same by passing an appropriate speaking order in accordance with law.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, respondent Nos.2 and 3 are directed to decide the legal notice dated 27.08.2019 (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. 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.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

December 12, 2019

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No