

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

**CWP No.1474 of 2020 (O&M)
Date of decision : January 20, 2020**

Sarwan Kumar Bhatia

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Harbans Lal Sharma, Advocate for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner states that the petitioner attained the age of superannuation on 31.03.2017, on which date the petitioner was granted extension in service for one year of service up to 31.03.2018. On 05.05.2017, the petitioner was arrested by the C.B.I. for taking bribe and keeping in view the said arrest, on 30.06.2017, the petitioner was put under suspension with effect from the date of his arrest i.e. 05.05.2017 and thereafter, the extension period of the petitioner was curtailed and he was made to retire from service w.e.f. 05.05.2017.

Learned counsel for the petitioner argues that after the petitioner retired from service, no pensionary benefits of the petitioner have been released. Learned counsel for the petitioner further argues that even if, there are proceedings pending against the petitioner before the competent Court of law, the provisional pension and the GPF amount cannot be withheld.

Learned counsel for the petitioner further states that in the FIR, which was registered by the C.B.I., no charges have been framed up to now

and therefore, as per the settled principle of law, even the other pensionary benefits of the petitioner cannot be withheld. The prayer of the petitioner is for issuance of a direction to the respondents to release 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 a legal notice dated 10.05.2019 (Annexure P-8) upon the respondents, 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 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 No.2 is directed to decide the legal notice dated 10.05.2019 (Annexure P-8), 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

January 20, 2020

sarita

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No