

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

**CWP No.2310 of 2020 (O&M)
Date of decision : January 29, 2020**

Baldev Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Judgepreet Singh Warring, Advocate for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present writ petition, the grievance, which is being raised by the petitioner is that the pensionary benefits of the petitioner has been withheld. Keeping in view the charge-sheet, which is pending against the petitioner wherein, an allegation of embezzlement has been alleged for wrongly calculating the compensation of the houses, which got demolished during the rains.

Learned counsel for the petitioner states that the Civil Court in Suit No.44-1 of 04.03.2015 has already passed an order dated 26.02.2016 in favour of the petitioner declaring that no recovery can be done from the plaintiff (petitioner herein), in respect of the said allegation and therefore, withholding of the pensionary benefits of the petitioner after his retirement is arbitrary.

Learned counsel for the petitioner argues that though there is no valid justification for withholding the pensionary benefits, but still the same have been withheld, which is contrary to the order dated 26.02.2016 passed by the Civil Court.

Learned counsel for the petitioner further states that against the action of the Executive Engineer, by which the petitioner was only allowed the provisional pension and other benefits have been withheld, the petitioner has already approached the Chief Engineer raising his grievance vide representation dated 18.09.2019 (Annexure P-7), which is still pending consideration with respondent No.2.

Learned counsel for the petitioner states that the petitioner will be satisfied, at this stage, if a time bound direction is issued to respondent No.2 to decide the representation dated 18.09.2019 (Annexure P-7) 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 on the claim being made by the petitioner, respondent No.2 is directed to decide the representation dated 18.09.2019 (Annexure P-7), 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

January 29, 2020

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Whether speaking / reasoned Yes

Whether Reportable: No