

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(110)

CWP No. 3822 of 2020

Date of Decision : 13.02.2020

Sewa Singh

....Petitioner

Versus

Punjab State Power Corporation Limited and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Amrindra Pratap Singh, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner states that the pensionary benefits of the petitioner have been withheld after he retired on attaining the age of superannuation on 31.10.2019 on the ground that an FIR No. 163 dated 22.07.2019, under Sections 498-A, 494, 323, 34 IPC registered against the petitioner is pending. Learned counsel for the petitioner argues that no challan has been put up so far against the petitioner, therefore, no criminal proceedings are pending against the petitioner so as to entitle the respondents to withhold the pensionary benefits of the petitioner keeping in view the settled principle of law settled by the Hon'ble Supreme Court of India in ***Union of India Vs. K.V. Jankiraman, (1991) 4 SCC 109***, according to which, the criminal proceedings can only be deemed to be pending in case a challan has been put up in the criminal proceedings.

Prayer of the petitioner is for issuance of a direction to the respondents to release his pensionary benefits forthwith.

Learned counsel for the petitioner states that for the relief, which has been claimed in the present writ petition, petitioner has served the respondents with a legal notice dated 12.12.2019 (Annexure P-13), 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. 1 to decide the said legal notice by passing an appropriate speaking order in a time bound manner.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioner, respondent No. 1 is directed to decide the legal notice dated 12.12.2019 (Annexure P-13) 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.

Writ petition stands disposed of accordingly.

February 13, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

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