

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

**CWP-5127-2020**

**Date of decision: - 26.02.2020**

**Baljit Singh**

**....Petitioner**

**Versus**

**State of Punjab and others**

**.....Respondents**

**CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present:- Mr. Ripudaman Singh Sidhu, Advocate,  
for the petitioner.

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**HARSIMRAN SINGH SETHI, J. (ORAL)**

Learned counsel for the petitioner states that the petitioner retired on 31.03.2018 after availing two years of extension and on the date of retirement, a show cause notice dated 05.09.2016 (Annexure P-1) was pending against him, due to which, his gratuity was withheld.

Learned counsel for the petitioner argues that said show-cause notice dated 05.09.2016 (P-1) was dropped by the respondents on 25.04.2019, after which there is no impediment in the release of the pensionary benefits, but still, even after an expiry of more than eight months, the gratuity of the petitioner has not been released, which is causing prejudice to him.

Learned counsel for the petitioner further states that as of now there is no impediment in the release of the gratuity as there are no

proceedings pending against the petitioner, which would entitle the respondents to withhold the same.

Counsel for the petitioner states that for the relief which has been sought in the present writ petition, petitioner has served respondent No.2 with a legal notice dated 21.01.2020 (Annexure P-4), which is still pending consideration with respondent No.2 and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to respondent No.2 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, respondent No.2 is directed to decide the legal notice dated 21.01.2020 (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. 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.

**February 26, 2020**  
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**( HARSIMRAN SINGH SETHI )**  
**JUDGE**

|                            |     |
|----------------------------|-----|
| Whether reasoned/speaking? | Yes |
| Whether reportable?        | No  |