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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-1057-2020

Date of Decision: January 16, 2020

Liyakat Ali

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Sarfraj Hussain, Advocate for
Mr.Rajesh Bhateja, Advocate
for the petitioner.

.....

NIRMALJIT KAUR, J. (ORAL)

The present writ petition is filed for seeking a direction to decide the legal notice dated 02.07.2019, Annexure P3, qua releasing the amount of gratuity and leave encashment in view of decision in LPA No.113 of 2012 titled as **Punjab State Civil Supplies Corp.Ltd. and others Vs Pyare Lal**, decided on 11.08.2014, Annexure P4.

A perusal of the said judgment shows that, in fact, it has approved the judgment in the case of **Harbhajan Singh Riar vs State of Punjab and others**, 2009(8) SLR 99 over-ruling the earlier view taken in **Gurdial Singh vs Punjab State Civil Supplies Corporation Limited and others**, 2009(8) SLR 99 and it is held that the Government can with-hold gratuity or other retiral benefits but not pension, which has to be released, may be provisionally, during pendency of the enquiry.

At this stage, learned counsel for the petitioner states that he

may be allowed to withdraw the petition.

In view of the above, the petition is dismissed as withdrawn.
However, the authorities are directed to decide the said enquiry, if pending, as expeditiously as possible and preferably within three months from the date of receipt of a certified copy of this order.

January 16, 2020
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(NIRMALJIT KAUR)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |