

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

CWP-2596-2021

Date of Decision: April 28, 2021

DAVINDER SINGH

..... PETITIONER(s)

Versus

STATE OF PUNJAB AND ANOTHER

..... RESPONDENT(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Amit Arora, Advocate
for the petitioner.

Ms. Ambika Bedi, Asst. A.G., Punjab.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

Petitioner seeks release of the General Provident Fund, GIS, Leave Encashment and salary for the period from 01.04.2011 to 11.04.2012. FIR No.11 dated 08.05.2007 under Sections 7, 13(2) of the Prevention of Corruption Act was registered against the petitioner and he was convicted by the learned Sessions Judge, Tarn Taran vide judgment dated 08.12.2011. Services of the petitioner were terminated on 11.04.2012.

Learned counsel for the petitioner submits that no appeal or revision etc. has been filed challenging order of dismissal dated 11.04.2012, though appeal challenging judgment and order dated 08.12.2011 convicting

the petitioner is pending adjudication before this High Court. Learned counsel for the petitioner submits that petitioner has also submitted his affidavit as desired by the authorities on 01.10.2019 (Annexure P-9) but no action is being taken thereon.

At this stage, learned counsel for the petitioner restricts his prayer to expeditious decision of the legal notice dated 26.07.2019 (Annexure P-3) as well as representation dated 07.12.2020 (Annexure P-8).

Learned counsel for the State, to whom an advance copy of the writ petition has been supplied, submits that until and unless there is a specific affidavit to the effect that no appeal/review etc. is pending or would be filed, is furnished, in terms of Rule 13.13 of the Punjab Civil Services Rules Vol.II, necessary action cannot be taken. It is however, submitted that legal notice dated 26.07.2019 (Annexure P-3) as well as representation dated 07.12.2020 (Annexure P-8) shall be decided in a time bound manner.

Keeping in view the facts and circumstances of this case, but without any expression of opinion on the merits of the matter, this petition is disposed of with a direction to the competent authority to decide legal notice dated 26.07.2019 (Annexure P-3) as well as representation dated 07.12.2020 (Annexure P-8), within a period of two months from receipt of certified copy of this order.

Petition is disposed of accordingly.

28.04.2021

Sunil

(LISA GILL)**JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No