

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

CWP-5491-2022

Date of Decision: 21.03.2022

Prabhjit Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jagdish Singh Mahal, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that in the present case, the petitioner retired from services on 31.10.2015 but as there was an FIR No.85, dated 01.05.2013, under Sections 420 and 506 of the IPC, registered at Police Station City Gurdaspur, pending against him at the time of retirement, therefore, his retiral benefits were withheld by the respondents. Learned counsel for the petitioner submits that though the petitioner was acquitted of the allegations as alleged against him in the said FIR No.85, dated 01.05.2013, by the competent Court of law but since the petitioner remained absent from his duties for a period of four months during the pendency of the FIR mentioned above, he was initially issued a punishment of stoppage of his one increment without cumulative effect for the said default but upon filing an appeal, even the said punishment was

modified with censure and his suspension period was regularized by the Department.

Learned counsel further submits that the retiral benefits of the petitioner were released to him only during the period of year 2020-2021, i.e. after a period of five years of his retirement. Learned counsel further submits that as the petitioner was acquitted of the allegations alleged against him in the above said FIR by the competent Court of law, he is entitled for the grant of interest on the said delayed release of retiral benefits to him.

Learned counsel for the petitioner submits the said grievance has already been raised by the petitioner before the competent Authority in the form of legal notice dated 23.08.2021 (Annexure P-5) but the same is still pending consideration with the Authority concerned which is causing prejudice to him.

Learned counsel for the petitioner further submits that the petitioner will be satisfied at this stage, in case a time bound direction is given to respondent No.3 to decide the said legal notice dated 23.08.2021 (Annexure P-5) by passing an appropriate speaking order.

Notice of motion.

Mr. Navdeep Chhabra, DAG, Punjab, keeping in view the advance service of copy of the petition, accepts notice on behalf of the State and raises no objection, in case prayer made hereinbefore on behalf of the petitioner for deciding the legal notice dated 23.08.2021 (Annexure P-5) in a time bound manner is accepted.

Keeping in view the facts and circumstances of this case and without going into merits of the claim as raised by the petitioner in the present case as well as in the legal notice dated 23.08.2021, this petition is

disposed of with a direction to respondent No.3 to pass an appropriate speaking order on the legal notice dated 23.08.2021 (Annexure P-5), filed by the petitioner, within a period of eight weeks from the date of receipt of the copy of this order.

21.03.2022

Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

1. Whether speaking/reasoned : Yes
2. Whether reportable : No