

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

CWP No.6106 of 2022

Date of Decision : 25.03.2022

Balwinder Kumar

.. Petitioner

Versus

State of Punjab and another

.. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Raj Kumar Arya, Advocate
for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that in the present case, the gratuity of the petitioner is being withheld by the respondents on the ground that there are criminal proceedings pending against the petitioner. Learned counsel further submits that the pendency of the criminal proceedings can only be treated if on the date of retirement, charges are framed in the FIR pendency against the petitioner. He further submits that it is a conceded case that on the date when the petitioner retired, though there was an FIR pending against him but the charges were not framed against the petitioner so as to give the jurisdiction to the respondents to withhold the gratuity of the petitioner hence, the respondents are liable to be directed to release the gratuity of the petitioner which is being withheld by the respondents without jurisdiction.

Learned counsel for the petitioner further submits that the said grievance has already been raised by the petitioner vide legal notice dated 05.05.2020 (Annexure P-2), which is also pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is given to respondent No.2 to decide the said legal notice dated 05.05.2020 (Annexure P-2) by passing appropriate speaking order.

Notice of motion.

Mr. Navdeep Chhabra, DAG, Punjab, accepts notice on behalf of the respondents and raises no objection in deciding the legal notice dated 05.05.2020 (Annexure P-2) in a time bound manner by passing an appropriate speaking order.

Without commenting upon the merits of the case or opining anything on the claim being made by the petitioner in the legal notice dated 05.05.2020 (Anexure P-2), respondent No.2 is directed to decide the legal notice dated 05.05.2020 (Annexure P-2) by passing an appropriate speaking order within a period of 8 weeks from the date of receipt of copy of this order.

Present writ petition stands disposed of

March 25, 2022

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No