

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(118)

CWP-6369-2022

Date of Decision : April 06, 2022

Manjeet Singh

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. P.K. Goklaney, Advocate and
Mr. Ashish Goklaney, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that though, it is a conceded position that there are disciplinary proceedings pending against the petitioner but as per the settled principle of law, the employee is entitled for the release of 100% provisional pension as well as the provident fund whereas, in the case of the petitioner, who retired on 31.08.2019 despite expiry of more than two and half years, he has not been given 100% provisional pension and other benefits, which cannot be withheld even during the pendency of the disciplinary proceedings.

Learned counsel for the petitioner submits that the petitioner has raised the said grievance before the respondents vide legal notice dated 12.02.2022 (Annexure P-1), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage in case a time bound direction is given to the respondents to decide the said legal notice by passing an appropriate speaking order.

Notice of motion.

On asking of the Court, Ms. Anju Sharma Kaushik, learned Deputy Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondents.

Learned counsel for the respondents raises no objection in deciding the legal notice dated 12.02.2022 (Annexure P-1) in a time bound manner by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by him in the legal notice dated 12.02.2022 (Annexure P-1), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 12.02.2022 (Annexure P-1) within a period of eight weeks from the receipt of copy of this order.

In case, it is found that the petitioner is entitled for any monetary benefits after the decision of the legal notice, the same should also be paid to the petitioner within four weeks thereafter.

April 06, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No