

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

(123)

CWP-7298-2022

Date of Decision : April 07, 2022

Darshan Singh

.. Petitioner

Versus

Punjab State Power Corporation Limited and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.K. Arora, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that in the present case, though no action has been taken by the respondents even after the petitioner was convicted in FIR No.52 of 2002 but the pensionary benefits of the petitioner have been withheld by the respondents and that too without any valid justification. Learned counsel for the petitioner submits that the disciplinary proceedings are still pending against the petitioner, which is being taken as a ground to withhold the pensionary benefits of the petitioner whereas pendency of the disciplinary proceedings will only give jurisdiction to the respondents to withhold the leave encashment and gratuity and not 100% provisional pension, therefore, the respondents are liable to be directed to release all the pensionary benefits of the petitioner for which he is entitled for, forthwith.

Learned counsel for the petitioner further submits that the petitioner has already raised the said grievance before the respondents by serving upon them a legal notice dated 28.01.2022 (Annexure P-10) which is still pending consideration with the respondents and the petitioner will be satisfied at this stage, in case a time bound direction is issued to the respondents to decide the said legal notice by passing an appropriate speaking order.

Notice of motion.

Mr. Raghav Gulati, Advocate, who is present in the Court, accepts notice on behalf of the respondents-PSPCL.

Learned counsel for the respondents raises no objection in deciding the legal notice dated 28.01.2022 (Annexure P-10) 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 28.01.2022 (Annexure P-10), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 28.01.2022 (Annexure P-10) 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 07, 2022

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No