

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(131)

CWP-7383-2022

Date of Decision : April 07, 2022

Rajwinder Singh Gaddu

.. Petitioner

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. N.P.S. Mann, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that though the petitioner retired from service on attaining the age of superannuation on 28.03.2018 but even as of now, after expiry of approximately 4 years, no pensionary benefits has been released to the petitioner only on the ground that there are disciplinary proceedings pending against him. Learned counsel for the petitioner submits that keeping in view the settled principle of law even if the disciplinary proceedings are pending, only the gratuity and leave encashment can be withheld whereas 100% provisional pension and provident fund are to be released. Learned counsel for the petitioner further submits that not only this even the pay of the petitioner for certain period for which he has discharged the duties prior to the retirement, has also not been paid and the respondents need to be directed to release the same forthwith without any further delay.

Learned counsel for the petitioner further submits that for the

relief which has been raised in the present petition, the petitioner has already submitted a representation dated 14.12.2021 (Annexure P-5) to respondent No.2 which is still pending consideration and the petitioner will be satisfied at this stage, in case a time bound direction is issued to respondent No. 2 to decide the said representation by passing an appropriate speaking order.

Notice of motion.

On asking of the Court, Mr. Navdeep Chhabra, 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 representation dated 14.12.2021 (Annexure P-5) 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 representation dated 14.12.2021 (Annexure P-5), the present writ petition is disposed of with a direction to respondent No.2 to decide the representation dated 14.12.2021 (Annexure P-5) 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 representation, 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/No

Whether reportable : Yes/No