

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(118)

CWP-8502-2022

Date of Decision : April 26, 2022

Ashok Kumar

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vijay Kumar Syal, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that in the present case, the petitioner retired from service on attaining the age of superannuation on 31.10.2015 whereas, the death cum retiral gratuity was paid to the petitioner on 01.04.2022 and the leave encashment was paid to the petitioner on 29.12.2021.

Learned counsel for the petitioner submits that though an FIR was registered alleging certain allegations against the petitioner but as no sanction to prosecute the petitioner was given and no charges were framed against the petitioner which hence means that no criminal proceedings were pending against the petitioner so as to entitle the respondents to withhold the pensionary benefits and hence, as there is an inordinate delay in release of the pensionary benefits, the petitioner is entitled for interest on the delayed release of the pensionary benefits keeping in view of the judgment of the Full Bench of this Court in *A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468*.

Learned counsel for the petitioner further submits that the petitioner has already raised the said grievance before the respondents by filing a representation dated 10.10.2020 (Annexure P-6) 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 respondent No.4- The Deputy Commissioner, Malerkotla (as Malerkotla has been now designated as District by carving out the same from District Sangrur as the copy of representation was addressed to District Commissioner, Sangrur as well) to decide the said representation by passing an appropriate speaking order.

Notice of motion.

Ms. Kanica Sachdeva, learned Assistant 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 10.10.2020 (Annexure P-6) 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 10.10.2020 (Annexure P-6), the present writ petition is disposed of with a direction to respondent No.4 to decide the representation dated 10.10.2020 (Annexure P-6) within a period of eight weeks from the receipt of copy of this order.

April 26, 2022

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No