

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(122)

CWP-15484-2022

Date of Decision : July 20, 2022

Suresh Kumar Panchal

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rakesh Sobti, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that the petitioner retired from service on 31.03.2022 but the retiral benefits admissible to the petitioner such as General Provident Fund, GIS and provisional pension have not been released to him by the respondents on the ground that there are six departmental proceedings pending against the petitioner. Learned counsel for the petitioner submits that keeping in view the settled principle of law coupled with the rules governing the service, even if the disciplinary proceedings are pending against an employee on the date of the retirement, all the retiral benefits cannot be withheld by the respondents and the respondents are under an obligation to release the 100% provisional pension, Provident Fund as well as the amount of General Insurance Scheme. Learned counsel for the petitioner further submits that the respondents are liable to be directed to release the said benefits to the petitioner forthwith without any further delay along with interest.

Learned counsel for the petitioner further submits that the petitioner has already raised the said grievance before the respondents by filing a representation dated 26.05.2022 (Annexure P-4), 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.2 to decide the said representation by passing an appropriate speaking order.

Notice of motion.

Mr. Harish Nain, learned Assistant Advocate General, Haryana, 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 of the petitioner 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 26.05.2022 (Annexure P-4), the present writ petition is disposed of with a direction to respondent No.2 to decide the representation dated 26.05.2022 (Annexure P-4) 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 the monetary benefits after the decision of the representation, the same should also be paid to the petitioner within four weeks thereafter.

July 20, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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