

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

Sr. No.233

CWP No.11944 of 2018

Date of Decision: 18.05.2022

Onkar Singh

.... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. M.S.Dhami, Advocate
for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab.

HARSIMRAN SINGH SETHI, J. (ORAL)

The present petition has been filed with a prayer that respondents may kindly be directed to release Death-cum-Retirement Gratuity as well as commuted value of pension of the petitioner along with interest. The further prayer of the petitioner is for release of the 100% of pension, for which he is entitled for, keeping in view the fact that the petitioner retired from service on 31.01.2012.

Upon notice of motion, respondents have filed the reply wherein, it has been mentioned that all the benefits for which the petitioner is entitled for after his retirement have not been withheld. Only the death-cum-retirement gratuity, commuted value of pension and 10% of the normal pension were withheld, keeping in view the fact that the petitioner was involved in FIR No.27 dated 07.04.2009 registered at Police Station Behram, wherein, the petitioner is accused of causing death due to negligence. As per the reply, an FAO No.8918 of 2014 was pending regarding the claim against the petitioner by the claimants of the deceased, due to which the said benefits were withheld by the respondents.

Learned counsel for the petitioner submits that FAO No.8918 of 2014 has already been decided and this Court remanded the case back to the trial Court for a fresh decision, after which date, the claim being made by the claimant was dismissed qua the petitioner by the trial Court and therefore, as of now, there is no impediment in the release of withheld pensionary benefits of the petitioner.

Learned counsel for the respondents submits that in case the position is same as being argued by learned counsel for the petitioner that there is no impediment, the respondent will consider the claim of the petitioner for the release of the pensionary benefits and appropriate orders on the same will be passed within a period of 8 weeks of the receipt of this order and in case, there is no impediment in the release of pensionary benefits, the same will be released within a period of further 4 weeks of passing an order by the respondents.

Learned counsel for the petitioner submits that keeping in view the above, no further grievance of the petitioner survives in the present petition and the present petition may kindly be disposed of having been not pressed any further.

Ordered accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

18.05.2022
Maninder

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