

CM-6841-CWP-2022 in
CM-5073-CWP-2022 in
CWP-26188-2015

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(116)

CM-6841-CWP-2022 in
CM-5073-CWP-2022 in
CWP-26188-2015
Date of Decision : 19.05.2022

Zile Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sunil Kumar Bhardwaj, Advocate for the petitioner.

Harsimran Singh Sethi J. (Oral)

CM-6841-CWP-2022

Present application has been filed for seeking condonation of delay of 76 days in filing the application (CM-5073-CWP-2022) for restoration of CWP No. 26188 of 2015.

Keeping in view the averments made in the application, which is duly supported by an affidavit, the same is allowed and delay of 76 days in filing the application (CM-5073-CWP-2022) for restoration of CWP No. 26188 of 2015 is condoned.

CM-5073-CWP-2022

Present application has been filed for recalling the order dated 13.11.2019, by which, the present writ petition was dismissed for non-

prosecution.

Notice of the application to the counsel opposite.

Mr. Raman Kumar Sharma, learned Addl. Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondents-State. He raises no objection for the grant of prayer as raised in the present application.

Keeping in view the averments made in the application, which is duly supported by an affidavit, the same is allowed. The order dated 13.11.2019 is recalled and the writ petition is restored to its original number and status and is taken up for hearing on the oral request of learned counsel for the parties.

CWP No. 26188 of 2015

Learned counsel for the petitioner argues that in the present case, the grievance of the petitioner is that the pensionary benefits for which the petitioner is entitled for after his retirement, are not being released to him on the ground that there are charge-sheets pending against the petitioner and keeping in view those disciplinary proceedings, certain pensionary benefits have been withheld by the respondents. Learned counsel for the petitioner submits that the action of the respondents is causing prejudice to the petitioner as in the enquiry report, the petitioner has been found innocent by the Enquiry Officer but still the disciplinary proceedings are being kept pending without any valid justification so as to withhold his pensionary benefits.

Learned counsel for the respondent-State submits that in case, the assertion of the petitioner is correct that the enquiry report has already

been received, appropriate order will be passed in respect of the disciplinary proceedings within a period of three months of the receipt of copy of this order and thereafter, the claim of the petitioner will be considered for release of the pensionary benefits in accordance with law. Learned counsel for the respondent-State further submits that in case the enquiry report has not been received then the enquiry proceedings will be finished within a period of next four months.

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

Ordered accordingly.

May 19, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

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