

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(126)

CWP-18680-2022

Date of Decision : August 25, 2022

Ravi Kumar

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.N. Lohan, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that in the present petition, the grievance of the petitioner is that the petitioner was to retire on 30.04.2022 but a day before the retirement, the petitioner was suspended from service and thereafter, an FIR has also been registered against the petitioner being FIR No.232 dated 01.05.2022, on the basis of which, the pensionary benefits of the petitioner have been stopped.

Learned counsel for the petitioner submits that mere suspension or the registration of the FIR cannot be treated as an impediment for withholding the pensionary benefits of the petitioner keeping in view the judgment of the Hon'ble Supreme Court of India in ***Union of India Vs. K.V. Jankiraman, (1991) 4 SCC 109.***

Learned counsel for the petitioner further submits that the petitioner has already raised the said grievance before the respondents by

serving upon them a legal notice dated 01.08.2022 (Annexure P-2), 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 the respondents to decide the said legal notice by passing an appropriate speaking order.

Notice of motion.

Mr. Harish Nain, 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 legal notice 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 legal notice dated 01.08.2022 (Annexure P-2), the present writ petition is disposed of with a direction to respondent No.2 to decide the legal notice dated 01.08.2022 (Annexure P-2) 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 legal notice, the same should also be paid to the petitioner within four weeks thereafter.

August 25, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No