

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(110)

CWP No. 20497 of 2022

Date of Decision : 09.09.2022

Partap Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Arun Singal, Advocate for the petitioner.

Harsimran Singh Sethi J. (Oral)

Learned counsel for the petitioner submits that at the time when the petitioner retired from service on attaining the age of superannuation on 31.01.2014, an FIR No. 656 dated 01.08.2011 was pending against the petitioner, due to which, some of the pensionary benefits of the petitioner were withheld. Learned counsel for the petitioner further submits that petitioner has already been acquitted in the said case on 25.10.2018 and despite expiry of approximately four years, the benefits, which were withheld by the respondents, have not been released so far, which is causing prejudice to the petitioner.

Apart from this, learned counsel for the petitioner contends that keeping in view the fact that the petitioner has been exonerated from the criminal proceeding, he is also entitled for the promotion with effect from the date persons junior to him were given, which was denied to him.

Learned counsel argues that as there is no impediment in the release of the pensionary benefits of the petitioner, the respondents may kindly be directed to release the same forthwith without any further delay.

Notice of motion.

On the asking of the Court, Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent-State. Learned counsel submits that in the present petition, the petitioner is seeking a writ of mandamus but without first approaching the respondents by raising his grievance as raised in the present petition, therefore, the present petition is liable to be dismissed. Learned State counsel submits that in case any grievance is raised by the petitioner before the authorities concerned, the same will be looked into in accordance with law and appropriate order on the same will be passed within a period of eight weeks.

Learned counsel for the petitioner submits that keeping in view the above, the present petition may kindly be disposed of having been not pressed any further with liberty to the petitioner to approach the respondents by filing appropriate representation claiming the relief as claimed in the present petition.

Ordered accordingly.

September 09, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No