

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(130)

CWP-20854-2022

Date of Decision : September 14, 2022

Jagdish Chand

.. Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Ltd and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rakesh K. Choudhary, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner submits that the petitioner retired on attaining the age of superannuation on 31.05.2021 while working as Junior Engineer. Learned counsel concedes the fact that at the time of retirement, a charge sheet dated 26.05.2021 was pending against the petitioner and after the retirement, another charge sheet was issued to the petitioner on 06.09.2021.

Learned counsel for the petitioner further submits that keeping in view the said proceedings, some of the pensionary benefits of the petitioner were withheld by the respondents but now both the charge sheets have already been taken to the logical end and there is no impediment in the release of the pensionary benefits but still, the gratuity amounting to Rs.14,36,160/- is being withheld by the respondents.

Learned counsel for the petitioner argues that once the impediment in the release of gratuity does not exists, the respondents are under an obligation to release the gratuity of the petitioner forthwith along with interest.

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 09.08.2022 (Annexure P-9), 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 same by passing an appropriate speaking order.

Notice of motion.

On asking of the Court, Mr. Vivek Saini, learned Addl. 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 09.08.2022 (Annexure P-9), the present writ petition is disposed of with a direction to respondent No.2 to decide the legal notice dated 09.08.2022 (Annexure P-9) 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.

September 14, 2022

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No