

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

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CWP-21978-2022

Date of Decision :23.09.2022

Deepak Kinger**...Petitioner****Versus****State of Haryana and others****...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Raman B, Garg, Advocate and
Ms. Gitanjali Chhabra, Advocate for the petitioner.

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Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner argues that in the present case, the pensionary benefits of the petitioner have been withheld by the respondents only on the ground that there is an FIR pending against the petitioner. Learned counsel for the petitioner submits that pendency of the criminal proceedings can only start from the date the charges are framed against an accused, keeping in view the judgement of the Hon'ble Supreme Court of India in **Civil Appeal Nos.3018-21 of 1987** titled as **Union of India vs. K.V. Jankiraman** decided on 27.08.1991 and though in the present case, the challan has been presented but no charges have been framed against the petitioner so far hence, the pendency of the FIR cannot be taken as a ground by the respondents to withhold the pensionary benefits of the petitioner.

Learned counsel for the petitioner further submits that keeping

in view the settled proposition of law, there is no impediment on the date when the petitioner retired from service or even upto today, which gives jurisdiction to the respondents to withhold the pensionary benefits of the petitioner.

Notice of motion.

Mr. Harish Nain, AAG, Haryana, who is present in Court, accepts notice on behalf of respondent-State and submits that the petitioner has already raised the said grievance before the respondents by way of serving a legal notice dated 21.07.2022 (Annexure P4), which will be considered by the respondents and an appropriate order will be passed within a period of 08 weeks from the date of receipt of copy of this order and in case after the decision, the petitioner is found entitled for any relief, the same will be extended to the petitioner within a period of four weeks thereafter.

Learned counsel for the petitioner submits that keeping in view the statement made by the learned State counsel, the present petition may be disposed off having been not pressed any further.

September 23, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

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