

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(109)

CWP-23016-2022

Date of Decision : October 10, 2022

Rajbir Singh

.. Petitioner

Versus

State of Haryana and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amit Kaith, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner submits that though the petitioner has already retired from service on 30.04.2022 but keeping in view the charge-sheet, which was issued to the petitioner on 07.03.2022, the pensionary benefits of the petitioner have been withheld by the respondents. Learned counsel for the petitioner further submits that even if a charge-sheet is issued to the employee, all the pensionary benefits cannot be withheld whereas no pensionary benefits have been released to the petitioner so far. Learned counsel for the petitioner further submits that in the present case, there is no allegation of financial misconduct against the petitioner, hence, withholding his pensionary benefits by the respondents is contrary to the settled principle of law.

Learned counsel for the petitioner further submits that for the grievance which has been raised in the present petition, the petitioner has

already approached the respondents by serving upon them a legal notice dated 24.08.2022 (Annexure P-4), 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, learned 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 dated 24.08.2022 (Annexure P-4) 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 24.08.2022 (Annexure P-4), the present writ petition is disposed of with a direction to respondent No.2 to decide the legal notice dated 24.08.2022 (Annexure P-4) within a period of eight weeks from the receipt of copy of this order.

October 10, 2022

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No