

CM-13705-CWP-2024 ;
CM-13706-CWP-2024 ;
CM-13707-CWP-2024 in/and
CWP-5031-2023

2024:PHHC:112946



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(104) CM-13705-CWP-2024 ;
CM-13706-CWP-2024 ;
CM-13707-CWP-2024 in/and
CWP-5031-2023
Date of Decision : 31.08.2024

Dr. Partap Singh Verka
...Petitioner

Versus

State of Punjab and others
...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Manuj Nagrath, Advocate for the petitioner.
Mr. Arun Gupta, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)
CM-13705-CWP-2024 and CM-13707-CWP-2024

Present applications have been filed for preponing the date of hearing of the main writ petition, which is now pending for 22.11.2024 and for disposal of the main writ petition in terms of the order passed by the Hon'ble Supreme Court of India in SLP (Criminal) No. 6006 of 2019.

Notice of the applications to the counsel opposite.

Mr. Arun Gupta, Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and raises no objection for the grant of prayer as made in the present applications.

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Keeping in view the averments made in the applications, which are duly supported by an affidavit, the applications are allowed and on the joint request of learned counsel for the parties, the main writ petition is taken up for hearing today itself.

CM-13706-CWP-2024

Application is allowed, as prayed for.

CWP-5031-2023

1. In the present petition, the grievance of the petitioner is that his pensionary benefits are not being released by the respondents despite the fact that he had already retired from service on attaining the age of superannuation on 31.03.2022.
2. Learned counsel for the petitioner submits that though the petitioner was not charge-sheeted in FIR No. 10 dated 25.04.2016 but, he was summoned as an additional accused keeping in view the application filed under Section 319 Cr.P.C. Learned counsel submits that the petitioner filed a revision petition before this Court and the order summoning the petitioner as additional accused was set-aside by this Court, which order has already been upheld by the Hon'ble Supreme Court of India in Criminal Appeal No. 1943 of 2024, hence, as of now there are no proceedings, which are pending against the petitioner so as to give jurisdiction to the respondents to withhold the pensionary benefits of the petitioner, respondents are under obligation to release all the withheld pensionary benefits along with interest.

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3. Learned counsel for the respondents submits that in case, there is no proceeding pending against the petitioner as of now, the claim of the petitioner will be considered and an appropriate order keeping in view the facts and circumstances of the present case will be passed within a period of eight weeks of the receipt of copy of this order and in case, it is found feasible, the benefit will be released to the petitioner within the aforesaid time period, otherwise due reasons will be mentioned in the speaking order for not releasing the pensionary benefits for the information and necessary action of the petitioner.

4. Learned counsel for the petitioner submits that in view of the statement of learned State counsel, no further grievance of the petitioner survives in the present petition and same may kindly be disposed of having been not pressed any further.

5. Ordered accordingly.

August 31, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No