

2024:PHHC:054637
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CWP-9047-2024 (O&M)
Date of decision: 23.04.2024

Inderjit Singh

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Joginder Pal Sharma, Advocate for the petitioner.

AMAN CHAUDHARY, J (Oral)

1. The present petition has been filed for quashing of impugned order dated 30/31.08.2012 (Annexure P2) passed by respondent No.2.
2. Learned counsel would contend that the order of conviction has not yet attained finality as the appeal against the petitioner is still pending adjudication and his sentence has been suspended vide order dated 30.08.2012, the 100% pensionary benefits and gratuity have been withheld, could not have been, being impermissible as per Rule 2.2(a)(i) of Punjab Civil Services Rules, Vol.-II, Part-2 and as interpreted by this Court in **Triloki Nath Sharma vs. State of Punjab and others**, CWP-22435-2018, decided on 25.05.2022, **Prem Chand Dhand vs. State of Punjab and another**, CWP-24736-2017, decided on 01.12.2018, **Darshan Singh vs. State of Punjab and others**, CWP-20529-2006, decided on 25.05.2011. In this regard, a legal notice dated 18.03.2024 (Annexure P5) postal receipts thereof are annexed as Annexure P6, has been served upon the respondents, which has yet not evoked any response. He thus, at this stage, on instructions, submits that the petitioner is sanguine of it being considered in a positive manner, in case, a direction is given to the respondents to decide the same in a time bound manner by granting him an opportunity of hearing.
3. Notice of motion.

4. At the asking of the Court, Mr. Arun Gupta, DAG, Punjab, accepts notice on behalf of the respondent-State and has no objection to the limited prayer made.

5. In view of the above and without commenting on the merits of the case, this petition is hereby disposed of with a direction to the respondents to decide the legal notice dated 18.03.2024 (Annexure P5) in light of the rule referred to by the petitioner and afore-referred judgments, within a period of 3 months, which this Court has no reason to believe the authorities would not address in a just, fair and reasonable manner. Upon doing so, after notice and hearing offered to him and if found entitled, grant the benefit forthwith. Needless to say, if the orders are adverse to his interest, the same shall contain reasons and the petitioner shall be free to seek legal redress thereupon.

23.04.2024
ashok

(AMAN CHAUDHARY)
JUDGE

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