

CM-165-CWP-2024 in
CM-169-CWP-2024 in/and
CWP-10167-2020

2024:PHHC:004597

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(104)

CM-165-CWP-2024 in
CM-169-CWP-2024 in/and
CWP-10167-2020
Date of Decision : 15.01.2024

Om Parkash Bishnoi

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kulwant Singh Dhanora, Advocate for the petitioner.
Mr. Harish Nain, Assistant Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

CM-165-CWP-2024

Present application has been filed for seeking condonation of delay of 97 days in filing the application for recalling the order dated 31.08.2023 passed by this Court.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the same is allowed and delay of 97 days in filing the application for recalling the order dated 31.08.2023 is is allowed.

CM-169-CWP-2024

Present application has been filed for recalling the order dated 31.08.2023, by which, the present writ petition was dismissed for non-prosecution.

Notice of the application to the counsel opposite.

Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondents. He raises no objection for the grant of prayer as raised in the present application.

Keeping in view the averments made in the application, which is duly supported by an affidavit, coupled with the fact that learned counsel for the respondents has not objected to the relief as prayed in the present application, the same is allowed. The order dated 31.08.2023 is recalled and the writ petition is restored to its original number and status.

CWP-10167-2020

The grievance raised in the present petition is that the pensionary benefits of the petitioner have not been released so far, hence the respondents be directed to release the same with all consequential benefits along with interest.

Learned counsel for the petitioner submits that petitioner has retired from service on 30.11.2019 and more than 04 years have elapsed but the pensionary benefits have not been released to him and that too without any valid justification. Learned counsel for the petitioner further

submits that as per the information received from the petitioner, the benefits have only been withheld on the ground that at one given point of time, the respondents decided to charge-sheet the petitioner but actually, no charge-sheet was ever served upon the petitioner even as of now, hence, withholding of the pensionary benefits by the respondents is totally arbitrary and illegal and the respondents are under obligation to release the same with interest.

Learned counsel for the petitioner submits that the petitioner has already raised the said grievance in the legal notice dated 08.05.2019 (Annexure P-3) but the same is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a direction is issued to the respondents to decide the same by passing an appropriate speaking order in a time bound manner.

Notice of motion.

On the asking of the Court, Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent-State and submits that in case, the legal notice dated 08.05.2019 (Annexure P-3) has been received in the office of the concerned authorities and the same is still pending consideration with the authorities concerned, the same will be decided by the competent authority within a period of eight weeks of the receipt of certified copy of this order by passing an appropriate speaking order.

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

Ordered accordingly.

It may be noticed that in case, there is no charge-sheet, which has been issued to the petitioner so far, the respondents will also pass an appropriate order as to whether, keeping in view the judgment of the Full Bench of this Court in *A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468*, petitioner is also entitled for interest on the said delayed release of payment.

January 15th, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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