



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

**CWP-16120-2024
DECIDED ON: 17.07.2024**

AMRIK SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.

Present: Mr. Sameer Sachdeva, Advocate
for the petitioner.

Mr. Aman Dhir, DAG Punjab.

SANJAY VASHISTH, J (ORAL)

1. Petitioner namely Amrik Singh, aged about 56 years, has filed present writ petition, for challenging the order dated 11.12.2021 (Annexure P-2), passed by Senior Superintendent of Police, Faridkot (respondent No.3), as well as the order dated 13.12.2022 (Annexure P-3), passed by Director General of Police, Faridkot Range, Faridkot (respondent No.2), whereby he has been prematurely retired, w.e.f. 31.12.2021.

2. Counsel for the petitioner submits that petitioner has been wrongly denied to serve for the majority part of his service tenure. In fact, respondents have wrongly forfeited the majority part of his service tenure, either permanently or temporarily, for curtailing his pensionary benefits, and thus, action of the respondents is against the settled judicial decisions and contrary to the PCS (Premature Retirement) Rules, 1975.

Further, petitioner has prayed for releasing of pensionary/retiral dues, including full pension, gratuity and leave encashment, by counting his total service w.e.f. 22.08.1989 to 22.12.2023 i.e. 34 years' service along with interest @ 18% p.a.

3. Counsel for the petitioner submits that *qua* the relief claimed through the present writ petition, petitioner has already sent one legal notice dated 18.12.2023 (Annexure P-9), through his Advocate.

4. Thus, he submits that at this stage, he would be satisfied, if the respondents/concerned Authorities are directed to take a final decision on the legal notice dated 18.12.2023 (Annexure P-9), in a time bound manner.

5. On the other hand, Mr. Aman Dhir, DAG Punjab, who is present in the Court on advance notice and copy of the present writ petition, submits that relief claimed by the petitioner appears to be misconceived because he is already facing the proceedings in a criminal case i.e. FIR No.155 dated 19.07.2018, under Section 13(2) of the Prevention of Corruption Act, registered at Police Station City Moga.

Further informs the Court that the petitioner had been charge-sheeted in the Court, also.

6. After going through the pleadings raised through the present writ petition, documents appended thereto and hearing counsel for the parties, this Court deems it appropriate to dispose of the present writ petition, by directing the respondents/concerned Authorities to take decision

on the claim put forth by the petitioner, through his legal notice dated 18.12.2023 (Annexure P-9), in a time bound manner.

7. Accordingly, present writ petition stands disposed of, by directing the respondents/concerned Authorities to take a final decision on legal notice dated 18.12.2023 (Annexure P-9), within a period of three months from today, by affording an opportunity of hearing to the petitioner as well, and any order passed thereon, would be communicated to the petitioner, at the earliest.

Needless to say that if, the respondents/concerned Authorities reaches to the conclusion that petitioner is entitled for the relief, which has been claimed by him, same would be extended to him, without any unnecessary delay.

8. With the aforementioned observations and the terms recorded therein, present writ petition stands disposed of.

17.07.2024
Lavisha

(SANJAY VASHISTH)
JUDGE

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