

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

CWP No. 22937 of 2011 (O&M)

Date of decision: 08.05.2015

Ram Phal Sharma

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. M.K. Garg, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. C.S. Singh, Advocate for
Mr. G.S. Hooda, Advocate
for respondents Nos. 2 to 7.

Jitendra Chauhan, J. (Oral)

By way of the instant writ petition, under Articles 226/227 of the Constitution of India, the petitioner seeks quashing of the impugned order dated 06.07.2011 (Annexure P-1), issued by respondent No.5, whereby the retiral benefits have been withheld due to some shortcomings which were pointed out by the Chief Accounts Officer, UHBVNL, Panchkula.

It is contended that the amount of Rs. 3,44,418/- was deducted from the retiral benefits of the petitioner on account of show cause notice No. CH-190/PF-389 dated 16.08.2012, which was served upon the petitioner after two years of his retirement. During the pendency of the present writ petition, order No. 293 dated 26.05.2014, was passed by the Superintendent SE 'OP' Circle, DHBVN, Jind, whereby the show

cause notice issued to the petitioner was dropped, in view of the reply submitted by the petitioner. The learned counsel states that except the show cause notice, there is no other disciplinary proceedings pending against the petitioner.

This fact is not disputed by the learned counsel for respondent Nos. 2 to 7.

In view of the aforementioned admitted position, the present petition is allowed. The respondents are directed to release the withheld amount along with interest @ 8% p.a., in terms of the ratio of law laid down in case *The Financial Commissioner and Principal Secretary to Govt. of Haryana, Irrigation Department, Civil Secretariat, Chandigarh Vs. Hasan Singh Kanwar*, 2010(1) SLR 788, within a period of four months from the date of receipt of certified copy of this order.

08.05.2015

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(JITENDRA CHAUHAN)
JUDGE