

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

CWP-19130-2013
Date of decision : 09.03.2015

K.T. KOKNE

...Petitioner

V/S

HARYANA STATE FEDERATION OF CONSUMER'S COOP
WHOLESALE STORES

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Gunjan Mehta, Advocate
for the petitioner.

Mr. J. S. Cooner, Advocate
for the respondent.

JITENDRA CHAUHAN, J. (Oral)

This writ petition filed under Article 226 of the Constitution of India for issuing a writ of Certiorari quashing the chargesheet, Annexure P-7 dated 08.01.2013 and Annexure P-8 dated 21.02.2013 and to issue a writ of mandamus directing the respondent to expedite and finalise the disciplinary proceedings initiated pursuant to chargesheet dated 14.01.2008 (Annexure P-1) and to release all the retiral benefits/dues with revise pay by adding the 3rd ACP along with arrears thereof @ 18% interest and issue direction not to withhold the benefits on account of the chargesheet (Annexure P-1).

It is contended that three chargesheets, one dated 14.01.2008 (Annexure P1), second dated 08.01.2013 (Annexure P7) and third dated

21.02.2013 (Annexure P8) were served upon the petitioner. Out of these three, first two charge sheets (Annexures P1 and P7) already stands withdrawn.

Learned counsel for the petitioner further submits that third charge sheet was served upon the petitioner on 21.02.2013 and whereas petitioner superannuated on 30.04.2012. The case of the petitioner is squarely covered by the judgment of this Court in case ***S. C. Jain Vs. Managing Director, the Haryana State Federation of Consumers Co-operative Wholesale Stores Limited and another*** passed in CWP No.15247 of 2011, decided on 22.05.2013 which was subsequently followed in ***Jogi Ram Vs. Haryana State Federation of Consumer's Co-operative Wholesale Stores*** passed in CWP No. 1873 of 2014. The case of the S. C. Jain in CWP No.15247 of 2011 undisputedly covered under the unamended rules.

Keeping in view the aforesaid position the benefit accrued in the case of ***S. C. Jain Vs. Managing Director, the Haryana State Federation of Consumers Co-operative Wholesale Stores Limited and another*** cannot be denied to the petitioner.

In view of above the present petition is allowed in terms of the ***S. C. Jain Vs. Managing Director, the Haryana State Federation of Consumers Co-operative Wholesale Stores Limited and another (supra)***.

Consequently, this petition is allowed, with a direction to the respondents to release all retiral benefits and attended benefits to the

petitioner in terms of *S. C. Jain Vs. Managing Director, the Haryana State Federation of Consumers Co-operative Wholesale Stores Limited and another* within three months from the receipt of certified copy of the order in accordance with law.

09.03.2015
ashok

(JITENDRA CHAUHAN)
JUDGE