

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

217

**CWP No.19676-2013
Date of Decision: 27.08.2015**

DHIRT RAM

....Petitioner.

VERSUS

STATE OF PUNJAB & ORS

....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. J.S Lalli, Advocate,
for the petitioner.

Mr.Vaibhav Sharma, DAG, Punjab.

Mr. V.K Kaushal, Advocate,
for respondents No. 2 to 4.

P.B BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has questioned the show cause notice dated 25.01.2013 at Annexure P-7 and letter dated 08.03.2013 at Annexure P-9.

The petitioner is stated to have retired on 30.04.2012. His pensionary benefits have not been settled to the extend of Rs. 1,02,375/- (Gratuity). On this account, the petitioner has presented this petition.

During the pendency of this petition, it is learnt that the respondents have initiated disciplinary proceedings against petitioner, which is pending consideration.

Having regard to the prayer and documents, writ petition is found to be prematurely filed. Petitioner is required to submit his say against the show-cause notice dated 25.01.2013 (Annexure P-7). In so far as communication dated 08.03.2013 (Annexure P-9) is concerned, it is only an

internal communication between the two officers, thus, no decision has been taken to withheld gratuity amount of Rs. 1,02,375/- as on the date of filing of this petition.

The learned counsel for the petitioner contended that initiation of an inquiry is only after notice of motion was issued in this petition.

Writ petition is not maintainable as it is premature. Since the petitioner has retired on 30.04.2012, the respondents are directed to complete the inquiry proceedings within a period of six months. Thereafter, if the petitioner is exonerated in the disciplinary proceedings, withheld amount of Rs. 1,02,375/- shall be released along with 9 % interest per annum from the date it was due till its realization.

The writ petition is, accordingly, disposed of.

27.08.2015

PA

(P.B BAJANTHRI)
JUDGE