IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

214 **CWP No.20400 of 2014**
Date of Decision: 28.08.2015

NIRMAL KUMAR RAI **....Petitioner.**

VERSUS

UHBVN & ORS. **....Respondents.**

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

Present: Mr. R.N Sharma Advocate,
for the petitioner.

Mr. S.K Mahajan, Advocate,
for the respondents.

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P.B BAJANTHRI, J. (Oral)

In the instant writ petition, the petitioner has sought for release of admissible pensionary benefits under the rules along with interest.

According to the petitioner, he retired on 30.06.2013 and as on that date no disciplinary inquiry was pending, therefore, denial of retirement benefits is not correct. However, it is undisputed that some show-cause notice was issued seeking his explanation and the petitioner is stated to have submitted his reply but he is not aware of the outcome of reply as on the date of filing of this petition. Hence he contended that he is entitled for retiral benefits along with interest.

Per contra, respondents No. 1 to 5 have filed statement of objections. In their statement of objections, they have prepared a table relating to disciplinary action taken against the petitioner. Extract of the table is reproduced.

S.N	Charge Sheet/SCN No.	Decision of charge sheet/show cause notice
i)	CS No. 24/LS-2246 dated 22.12.1992.	CE (OP) UHBVN Rohtak Office Order No. 554 dated 08.06.2015

		Charge Sheet dropped **Annexure R-1**
ii)	CS No. 44/LS-2246 Dated 14.10.1993 & SCN No. Ch-122/LS-608 Dated 14.09.99.	CE (OP) UHBVN Rohtak Office Order No. 520 Dated 18.09.2001 **To stop two annual increment with future effect.** **Annexure R-2**
iii)	CS No. 25/LS-226 dated 23.02.2004	CE 'OP' UHBVN, Rohtak Office Order No. 565 dated 3.07.2008. **To recover amount of Rs. 76,900/- and stoppage of two annual increment without future effect.** **Annexure R-3**
iv)	CS No. 74/LS-226 dated 19.04.2006	CE 'OP' UHBVN, Rohtak Office Order No. 606 dated 23.07.2008. **To stop four annual increments without future effect** **Annexure R-4**
v)	CS No. 78/LS-226 dated 18.05.2006	CE 'OP' UHBVN, Rohtak Office Order No. 142 dated 19.03.2009 **To lodge FIR against Sh. N.K. Rai, JE and balance amount of unsettled/ uncleared MAS a/c placed in misc. advance Rs. 24.96 lacs.** **Annexure R-5**
vi)	CS No. 102/LS-226 dated 18.09.2007	CE 'OP' UHBVN, Rohtak Office order No. 226 dated 29.03.2012 **Placed Rs. 8,15,874/- in the misc. advance of the official.** **Annexure R-6**
Vii)	SCN No. 380/PF-1483 dated 27.07.2006	SE 'OP' Circle, UHBVN, Jind Office Order No. 359 dated 02.09.2009 **To recover a sum of Rs. 38,622/- from the official.** **Annexure R-7**
viii)	CS No. 138/LS-226 dated 19.08.2008	CE 'OP' UHBVN, Rohtak Office Order No. 592 dated 29.12.2009. **To recover Rs. 15,000/- from the official and stoppage of one annual increment without future effect.** **Annexure R-8**
ix)	CS No. 164/LS-226 dated 29.7.2009	CE 'OP' UHBVN, Rohtak Office Order No. 240 dated 10.03.2015 **To recover amount equal to one**

		increment without future effect from the pensionary benefits of the official **Annexure R-9**
x)	SCN No. 141/PF-1483 dated 06.06.2011	SE 'OP' Circle, DHBVN, Jind Office Order No. 2 dated 01.01.2015. **Issued a letter of warning** **Annexure R-10**
xi)	CS No. 224/LS-226 dated 13.10.2011	CE 'OP' UHBVN, Rohtak Office Order No. 142 dated 13.02.2015 **By imposing a cut of 5 % from pension for 1 year of the retiree.** **Annexure R-11**
Xii)	CS No. 226/LS-226 dated 20.12.2011	CE 'OP' UHBVN, Rohtak Office Order No. 117 dated 04.02.2015. **By imposing a cut of 5 % from pension for 1 year of the retiree.** **Annexure R-12**
Xiii)	CS No. 231/LS-226 dated 31.01.2012	CE 'OP' UHBVN, Rohtak Office Order No. 181 dated 25.02.2015 **By imposing a cut of 3 % from pension for 1 year of the retiree** **Annexure R-13**
Xiv)	CS No. 237/LS-226 dated 10.05.2012	CE 'OP' UHBVN, Rohtak Office Order No. 182 dated 25.02.2015 **Charge Sheet dropped** **Annexure R-14**
xv)	SCN No. 174/PF-1483 dated 25.03.2013	SE 'OP' DHBVN, Jind Office Order No. 136 dated 23.02.2015 **To recover the amount equal to last one increment from the retrial benefit.** **Annexure R-15**

Reading of the above table indicates that petitioner was subjected to number of disciplinary action and they were ended in dropping and imposing various penalties. The latest order is of 25.02.2015 on which day the inquiry was dropped and in a different matter penalty was imposed to the extent of 3 % cut from his pension for a period of one year.

The learned counsel for the petitioner vehemently contended that no charge-sheet has been filed against him and decisions what are all taken to impose certain penalties are only by issuing a show-cause notice and obtaining reply from him and the orders have been passed. Therefore, he seeks liberty to question those orders. Accordingly, he is permitted to do so.

In the meanwhile, respondents are directed to certify the service book of the petitioner and to settle his pension and pensionary benefits while taking into consideration the last pay drawn by him i.e. on 30.06.2013 and to settle his dues within a period of **three months** from the date of receipt of certified copy of this order. Petitioner is also entitled for interest from 25.05.2015 till the payment is made @ 9 % per annum, however, this will not come in the way of challenging the orders passed and imposing various penalties on the petitioner.

The writ petition is, accordingly, disposed of in above terms.

28.08.2015 **(P.B BAJANTHRI)**
PA **JUDGE**