

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

CWP No.2284 of 2015

Date of decision:11.02.2015

Vijay Kumar

... Petitioner

Vs.

State of Haryana & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Dhiraj Chawla, Advocate for the petitioner.

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TEJINDER SINGH DHINDSA, J.

The pleadings on record would show that the petitioner retired from the post of Assistant Food and Supply Officer on 30.06.2006 upon attaining the age of superannuation. The order dated 15.06.2006 placed on record at Annexure P-1 would clearly reflect that the retirement of the petitioner was without prejudice to the final outcome in the disciplinary proceedings already initiated against the petitioner under Rule 8 of the Haryana Civil Services (Punishment and Appeal) Rules, 1987.

The grievance raised in the instant writ petition is that till date the complete admissible retiral benefits have not been released to the petitioner.

Counsel would argue that vide order dated 01.03.2007 passed by the Director, Food and Supplies, Haryana at Annexure P-3, the charge sheet that had already been issued to the petitioner at the stage of superannuation and which had been referred to in the order dated 15.06.2006 (Annexure P-1) has been dropped. As such, it is argued that there would be no justifiable basis with the employer/respondent-

department as regards withholding of the retiral benefits. It is also the contention raised by the counsel that an FIR No.10 dated 04.04.2007 under Sections 409/467/471/468 IPC and Sections 7/10/55 of the Essential Commodities Act, stands registered against the petitioner and other co-accused and in which, the challan has not even been presented till date for want of prosecution sanction. Further contention raised is that mere registration of an FIR and accusations having been made therein, can also not form a basis for denial of retiral benefits.

Without making any observations on the merits of the controversy as also with regard to the submissions advanced by the counsel, the instant writ petition is disposed of in terms of granting liberty to the petitioner to approach respondent No.2 as regards his grievance. In the eventuality of any such representation being preferred, respondent No.2 would be obligated to take a decision thereupon and to pass a speaking order within a period of two months from the date of submission of the same.

Disposed of.

11.02.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**