

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(233)

CWP No.25731 of 2014

Date of Decision:- 03.09.2015

Subhash Chand Bansal

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

- 1 Whether Reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr.Amrik Singh, Advocate for the petitioner.

Mr. Anshul Gupta, AAG, Punjab.

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**P.B. BAJANTHRI, J.**

In this petition, petitioner has sought for direction to the respondents as follows:-

“(i) *Issue a writ in the nature of mandamus directing the respondents to release the pensionary benefits of the petitioner which includes commutation, gratuity, balance leave encashment and final pension which has not been paid to the petitioner so far inspite of his retirement on 31.07.2013 along with interest 18% p.a. From the date of his retirement till its actual payment.*

(ii) *It is further prayed that the respondent may kindly be directed to pay the interest @ 18% p.a. For the delayed period on the leave encashment of Rs.6,98,440/- out of which Rs.6,32,270/- has been paid on 14.03.2014 and Rs.29,410/-*

*has been paid in July, 2014 and the balance amount of Rs.36,760/- has been paid in December, 2014 only.”*

The petitioner is stated to have joined service as a Junior Engineer in the Irrigation Department on 24.09.1976. He has earned promotion to the cadre of Sub Divisional Engineer on 01.02.2008. On 31.07.2013, he has attained age of superannuation and retired from the post of Sub-Divisional Engineer. His retiral benefits have not been settled therefore, he has presented this petition.

Per contra, learned counsel for the respondent submitted that the disciplinary proceedings is under progress. The same would be completed within a short period. Thereafter, petitioner's claim would be considered.

Heard learned counsel for the parties.

In view of the pendency of the departmental enquiry the petitioner is not entitled for the retiral benefits till conclusion of the departmental enquiry. Even though, the enquiry was initiated on 06.05.2013 till date, it has not been concluded and the petitioner's retiral benefits have not been settled.

In view of these facts and circumstances, I direct the respondents to conclude enquiry within a period of 8 weeks'. If the enquiry proceedings are not concluded within the said period the petitioner is entitled for all the retiral benefits and the respondents shall release the same.

Accordingly, writ petition is disposed of.

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

**September 03, 2015.**  
**pooja saini**