

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

Civil Writ Petition No.18134 of 2014 (O&M)

Date of decision: 11.1.2016

Dr.Rajinder Pal Singh Boparai

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Kanwaljit Singh, Sr.Advocate, with
Mr.Jaswant Singh, Advocate,
for the petitioner.

Mr.Harkesh Manuja, Addl., AG., Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

The petitioner retired on reaching the age of superannuation on 31.12.2010. No disciplinary proceedings were ever contemplated nor in the pipeline on the date of retirement. No charge sheet was issued to him for any alleged misconduct. The petitioner's gratuity has been withheld and has not been paid so far even though it is one time settlement where right to receive matures on the date of retirement unlike the pension which is a continuing obligation.

Petitioner Dr.Boparai is present in Court and has been identified by Mr.Jaswant Singh, Advocate assisting Mr.Kanwaljit Singh

learned senior counsel. He states that even pension has not been released to him so far neither full nor provisional.

Mr.Manuja submits that a pension payment order [PPO] has been issued to the District Treasury Officer, Amritsar on 6.8.2015 by the Accountant General (A & E), Punjab & U.T., Chandigarh being an intimation slip.

The petitioner testifies in Court that he has furnished his bank account number to the District Treasury Officer, Amritsar but payment is still awaited. Mr.Manuja submits that there is a big financial scam in the department of Research and Medical Education which may touch upon the conduct of the petitioner and therefore the action is justified.

Since no charge sheet has been issued to the petitioner, nothing can be said about it nor any observations made. The Court is also not in a position to gauge the case from the point of view of rule 2.2(b) of the PCS Rules, Volume-II. Therefore, this writ petition is allowed. A mandamus is issued to the State that all the retiral benefits be released in favour of the petitioner within two months from the date of receipt of a certified copy of this order. Since the payments have been due since December, 2010 and have been withheld illegally, there will be an order of interest @ 9% per annum on the delayed payment till realization.

Ordered accordingly.

(RAJIV NARAIN RAINA)
JUDGE

January 11, 2016

Paritosh Kumar