

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

135

CWP No. 19321 of 2016(O&M)
Date of decision:19.09.2016

Subhash Chander

.... Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Jagbir Malik, Advocate for the petitioner.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioner has sought for quashing the impugned action of the respondent of withholding retiral benefits of the petitioner in view of framing of charge-sheet dated 27.11.2015 vide Annexure P2.

2. The petitioner is stated to have retired from service on 31.01.2014. According to the petitioner, no departmental enquiry or criminal proceeding was pending against him as on the date of retirement. Therefore, there is no hurdle for releasing retiral benefits. Without assigning any reason, the petitioner's retiral benefits have not been settled as on 31.01.2014.

3. When things stood thus, on 27.11.2015, charge-sheet has been filed against the petitioner vide Annexure P2. The respondents should have initiated disciplinary proceedings when the petitioner was in service. There is a delay in initiating disciplinary proceedings which is hurdle for

settlement of retiral benefits of the petitioner.

4. Learned counsel for the petitioner further submitted that another charge-sheet has been filed recently against the petitioner which is also pending consideration. Therefore, the respondents are directed to complete the disciplinary proceedings which are pending against petitioner within a period of 6 months from today. Failing which the respondents are directed to release all retiral benefits which is due to the petitioner, if the enquiry is not completed and final order is not passed in the disciplinary proceedings.

19.09.2016

pooja saini

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

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No