

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

Civil Writ Petition No.21458 of 2014 (O&M)

Date of decision: 21.1.2016

Hirdayjit Singh Deol

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.R.K.Arora, Advocate,
for the petitioner.

Mr.Inqulab Nagpal, AAG, 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)

CM No.812 of 2016

CM is allowed as prayed for.

CWP No.21458 of 2014

1. The petitioner took voluntary retirement from service which request was accepted by the Department on 29.7.2010 with effect from 15.9.2010.

There was a charge-sheet pending against the petitioner on the date of retirement, for which reason, pension and pensionary benefits were not released to him. The charge-sheet has culminated in a punishment order inflicting 10% cut in pension active for two years. The order has been

passed on 27.11.15 [P-23] after regular inquiry during the pendency of the

present petition. With the culmination of the charge-sheet in a punishment order, the petitioner would be entitled to receive his regular pension subject to cut of 10% for two years. He would also face no hurdle in payment of gratuity, leave encashment etc to him. These amounts have been withheld since the year 2010.

2. Since there are no impediments in the way of the petitioner for the grant of pending dues any longer, no further adjudication is required by this Court to settle any fact in issue or any question of law in the instant petition.

3. In view of the supervening events, a writ of mandamus is issued to the respondents to release regular pension minus cut imposed by way of disciplinary action and other consequential benefits including gratuity, leave encashment etc. within a period of 2 months from the date of receipt of a certified copy of this order.

4. In case any procedural formalities are required to be done, then the petitioner would help in completing the same within one month with a corresponding obligation on the respondents.

5. In the present case, in the opinion of this court no hearing would be required as the only dispute has been sorted out at the level of the administration itself in passing the punishment order foreclosing the charge-sheet.

6. Since the monetary benefits of the ACP scheme were also withheld pending inquiry, a direction is issued to the respondents authorities to consider the request and pass a speaking order containing reasons for the grant or denial of ACP, including grant of increment and re-fixation of pay

within the same time frame as ordered. In case, the petitioner makes a representation within one month, the same will be decided within six weeks therefrom. For these reliefs claimed, the petitioner will be heard before a final decision is taken. The petitioner will be at liberty to press for payment of interest on delayed payments of pending dues which shall be decided in accordance with rules/instructions and judicial precedents in this behalf.

7. The petition is allowed in the above terms.

(RAJIV NARAIN RAINA)
JUDGE

January 21, 2016

Paritosh Kumar