

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.3862 of 2016

Date of decision: 18.3.2016

Mohinder Pal Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Amandeep Singh Manaise, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks release of retiral benefits including pension along with arrears thereof, gratuity and full pay of suspension period along with interest.

The pleaded case of the petitioner is that he was appointed as Panchayat Secretary and thereafter promoted as Panchayat Officer and has retired on 30.8.2013. During his service period, he was charge sheeted on 5.7.2012 (Annexure P/2) and the Enquiry Officer had submitted its report on 25.9.2013 (Annexure P/5). At one stage, the petitioner was also called upon in pursuance of his reply submitted by respondent no.1 on 6.2.2014. However, no decision has been taken on the said charge sheet. It is submitted that on account of the same his retiral dues are being withheld. The petitioner has served a legal notice dated 22.12.2015 (Annexure P/10) upon the respondents for conclusion of the enquiry proceedings and the payment of retiral dues but no action is being taken.

Counsel for the petitioner submits that he would be satisfied if a direction is issued to the respondent no.2 to decide the said legal notice within some fixed time frame.

Notice of motion.

Mr. R.S. Sidhu, Assistant Advocate General, Punjab accepts notice on behalf of the respondents. Copy of the writ petition have been supplied to him in Court.

Keeping in view the above controversy and limited relief sought by the petitioner, this Court is of the opinion that there is no requirement of calling for any reply on behalf of the respondents.

Accordingly, without commenting upon the merits of the case, the present writ petition is disposed of with a direction to respondent no. 2 or the competent authority to finalise the departmental proceedings within a period of 2 months from the date of receipt of a certified copy of the order. Thereafter, the competent authority shall also ensure that appropriate orders are passed on the entitlement of the petitioner's retiral dues forthwith. Needless to say if the relief is to be denied, a reasoned order be passed and conveyed to the petitioner.

March 18, 2016
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(G.S.SANDHAWALIA)
Judge