

The petitioner was working as Additional General Manager, HAFED, Cattle Feed Plant, Rohtak. He sought premature retirement on 31.3.2013. The petitioner earlier filed CWP No. 11858-2013, on which this Court, vide order dated 28.5.2013 (Annexure-P-1), directed the respondent to take a final decision on the legal notice dated 1.5.2013. In compliance of the said order, respondent No. 2 passed the order dated 23.1.2014 (Annexure-P-3), in which the release of gratuity has been denied on the ground that the Lokayukta, Haryana, had sent the report dated 27.8.2013 to the respondent. The petitioner was a member of purchase committee. The other members of the said purchase committee were also indicted. The petitioner challenged the said report of the Lokayukta, Haryana, by filing the CWP No. 3072-2014, in which the stay has been granted by this Court.

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Hence, the petitioner prays that his gratuity should be released.

The perusal of reply of respondent and the impugned order show that the gratuity has been withheld on account of chargesheet being served upon the petitioner under Rule 2.2 (b) of the Haryana Civil Services Rules, Volume-2, Chapter-II read with Rule 25 of the Haryana State Supply and Marketing Co-operative Service (Common Cadre) Rules, 1988, regarding causing loss to the tune of Rs. 55,78,945/-.

I have heard the learned counsels for the parties and have carefully gone through the file.

The learned counsel for the petitioner has argued that the report of the Lokayukta, Haryana, has been stayed by this Court and that on this account, no further proceedings are being conducted in the inquiry. It is argued that the gratuity could not be withheld. The reference has been made to the cases of two other officers, who were also the members of the said purchase committee and the gratuity of those two other officers has been released.

The perusal of the file shows that as per the stand of respondent, the gratuity of two other officers, who were member of the said purchase committee, was released on account of the fact that the chargesheet was issued to them later on. In no case, the gratuity was released after the issuance of the chargesheet to any of the members, who were the members of the said purchase committee. The services of the petitioner were governed by the Haryana State Supply and Marketing Co-operative Service (Common Cadre) Rules, 1988. Rule 25 of the said Rules of 1988 lays down that where these rules are silent, the provisions of Haryana Civil Services Rules will apply. It is apparently for this reason, the

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proceedings are being conducted under Rule 2.2 (b) of the Haryana Civil Services Rules, Volume-2, Chapter-II. Once the chargesheet is issued, the respondents are competent to withhold the gratuity. There is nothing illegal in the same.

It being so, the present writ petition fails and is dismissed. However, before parting with the order, this Court notices that the chargesheet was served on 23/24.1.2014. Now, about 2 years and 9 months have elapsed, but no proceedings have taken place. Therefore, the respondents are directed to conclude the inquiry within six months from the date of passing of this order, unless there is a specific stay on proceeding with the inquiry. The stay against the report of the Lokayukta, Haryana, itself is no ground not to proceed with the inquiry.

(KULDIP SINGH)
JUDGE

27.9.2016
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No