

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

CWP No. 6775 of 2015

Date of Decision: 26.09.2016

RAJINDER MOHAN RATTAN

... Petitioner

VS.

PUNJAB STATE POWER CORPORATION LTD. AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Saloni Sharma, Advocate,
for the petitioner.

Mr. R.L. Sharma, Advocate,
for the respondents.

KULDIP SINGH, J. (Oral)

By way of this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner seeks issuance of writ of mandamus directing the respondents to release all pensionary and retiral benefits during the pendency of Criminal Appeal (CRA-S-353-SB of 2009) which is pending before this Court.

Brief facts of this case are that Rajinder Mohan Rattan-petitioner who was working as Assistant Revenue Accountant in Punjab State Electricity Board, was booked by the Vigilance Bureau, Ferozepur Range, Ferozepur under Section 7 read with Section 13 (2) of the Prevention of Corruption of Act 1988 on 30.03.2001 by registering an FIR 13 dated 30.03.2001. As a result of the trial, the petitioner was convicted and sentenced by the Special Judge, Muktsar under Section 7 read with Section 13 (2) of the Prevention of Corruption Act, 1988. Thereafter, on account of conviction of the petitioner, the respondent Board vide impugned order 24.07.2009 (*Annexure P-1*), the dismissed the petitioner from service. The petitioner preferred an appeal which

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is lying admitted and pending before this Court. In the ordinary course, the petitioner was to retire in June 2013. Now, the prayer of the petitioner is for directing the respondents to release all the retiral/pensionary benefits during the pendency of the above stated criminal appeal. The petitioner also seeks quashing of the order dated 24.07.2009 (*Annexure P-1*) vide which he was dismissed from service without conducting departmental inquiry.

I have heard learned counsel for both the parties and after going through the case file, I am of the view that the dismissal order dated 24.07.2009 (*Annexure P-1*) has been passed on account of the conviction of the petitioner in a criminal case under Regulation 14 (1) of the Punjab State Electricity Board Employees (Punishment and Appeal Rules), Regulation 1971 and in such cases no hearing of the delinquent employee is required. Therefore, there is nothing illegal in the above mentioned dismissal order. The petitioner can always agitate, if any favourable order is passed in the said criminal appeal.

So far as the release of pensionary benefits is concerned, since the petitioner is dismissed from service, therefore, he is not entitled for the same except DCRG which has already been released to him.

It being so, there are no merits in the present petition, hence dismissed.

September 26, 2016
Suresh Kumar

[KULDIP SINGH]
JUDGE

	✓	
Whether speaking / reasoned	Yes	No
		✓
Whether Reportable	Yes	No