

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.8802 of 2014 (O&M)

Date of Decision: 21.9.2016

GURJIT SINGH

.... Petitioner

vs.

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Narinder Pal Sharma, Advocate for the petitioner
Mr. R.S. Pathania, DAG, Punjab

Kuldip Singh J.(Oral)

Petitioner Gurjit Singh, a retired as P.C.S. (Executive Branch) Officer, who was working as Additional Deputy Commissioner (Development), Ferozepur, retired from service vide notification Annexure P3/T w.e.f. 30.09.2011 (AN) on attaining the age of superannuation. After retirement he has filed the present writ of mandamus stating that his pensionary benefits i.e. Death-cum-retirement gratuity and regular pension along with compound interest have not been released after the date of his retirement.

The reply of the respondents shows that three matters were pending against the petitioner, which are reproduced as under:-

(i) Chargesheet under rule 8 of Punishment and Appeal Rules, 1970 issued vide order No.4/93/2007-3PCS/1577, dated 30-6-2010 (R-I/T)

(ii) Disciplinary action under rule 8 of Punishment and Appeal Rules, 1970 as per orders of the competent authority in the Department of Transport.

(iii) A Vigilance enquiry No.2 dated 20.03.2013 regarding accumulation of income exceeding his known sources of income.

The proceedings serial Nos. 1 and 2 have since been finalized and dropped, whereas Vigilance Inquiry is still pending. It is on this account that neither 100% pension has been released nor the gratuity has been

released .

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

The officer had retired on 30.09.2011. Now, five years have already elapsed. The retirement order Annexure P-3/T does not shows that any inquiry was pending against the petitioner at the time of his retirement. However, in the written statement, reference has been made to three proceedings out of which, only Vigilance Inquiry, regarding the alleged disproportionate assets, is pending. Since, Vigilance Inquiry is preliminary in nature, therefore, even if something is found against the petitioner in the said inquiry, the department has to proceed under Rule 2.2(b) of Punjab Civil Services Rules Volume-II against the petitioner and then after conducting departmental proceedings, an order has to be passed. However, pendency of Vigilance Inquiry itself is no ground to withhold the release of full pension and the gratuity.

Consequently, the present petition is allowed. Respondents are directed to release the full pension and death-cum-retirement gratuity to the petitioner with interest @ 9% per annum. Since, charge sheets mentioned in the written statement at serial Nos.1 and 2, as reproduced above, were decided on 3.1.2012, therefore, the interest will start from the said date i.e. 3.1.2012 till its payment.

The compliance of the judgment be made within three months from the date of the receipt of a certified copy of the judgment.

21.09.2016
gk

(Kuldip Singh)
Judge

Whether speaking / reasoned
Whether reportable

Yes
Yes