

108 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.9063 of 2016 (O&M)
Date of decision : September 29, 2016

Balwan Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Dinesh Kumar, Advocate for the petitioner.

Mr. Indresh Goel, Addl. A.G., Haryana.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Written statement on behalf of the respondents-State has been filed in the Court today and the same is taken on record.

A perusal of the written statement shows that the amount of death-cum-retirement gratuity and leave encashment have since been released and for commutation value and gratuity, a sanction order has been issued by the Accountant General, Haryana on 16.09.2016 and the arrears of benefits of granting 3rd ACP shall be released very shortly to the petitioner.

In these circumstance, the respondents are directed to release the amount of gratuity and commutation value within three weeks from the date of passing of this order and transfer the same to the account of the

petitioner. The arrears of benefits of granting 3rd ACP be also released to the petitioner within four weeks by transferring the same in his account.

Petitioner is also aggrieved of letter dated 19.02.2016 (Annexure P-5), vide which he was asked to submit an affidavit before the release of the retiral dues that he will not take any legal or court action against the department in future regarding withholding of the dues. This letter was issued by the Director General, Information, Public Relations & Cultural Affairs Department, Haryana to the District Information & Public Relations Officer, Jind.

I am of the view that said direction is completely illegal and is hereby set aside. The concerned officer is warned to be careful in future while putting up such conditions before the release of the retiral dues.

Further, the said Director General, Information, Public Relations & Cultural Affairs Department, Haryana vide note dated 12.02.2016 (Annexure P-6) has placed on record its displeasure for the services rendered by the petitioner while working as Accountant in the office of District Information and Public Relations Officer, Jind, on account of acting in an irresponsible manner and not up to satisfaction of his superiors.

I am of the view that the comments of displeasure note is not a punishment. If there were some allegations, the petitioner had to be issued show cause notice and after obtaining his reply, the orders were to be passed under the rules. Therefore, Annexure P-6 is also set aside.

However, the petitioner shall be entitled to interest @ 9% per annum, starting two months from the date the amount became due till its payment.

As such, the present petition is allowed.

(KULDIP SINGH)
JUDGE

September 29, 2016

sarita

Whether speaking / reasoned Yes

Whether Reportable: No