

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

**CWP No. 1213 OF 2012
DECIDED ON: DECEMBER 11, 2017**

MAUJI LAL

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Vikas Bahl, Sr. Advocate with
Ms. Balpreet Sidhu, Advocate for the petitioner.

Mr. Manoj Bajaj, Additional Advocate General, Punjab.

Ms. Kanishka Goyal, Advocate for
Mr. Sandeep Khunger, Advocate for respondents No. 3 and 4.

Mr. Vijay Kumar Kaushal, Advocate for respondent No.6.

JASPAL SINGH, J.

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ especially in the nature of certiorari for quashing order dated 02.12.2011 (P-14) vide which the respondent-authorities by relying upon the Punjab Civil Service Rules, Part 2, Rule 2.2 (b) have withheld the gratuity and other retiral benefits without considering the fact that no disciplinary proceedings have been instituted against the petitioner. And further for issuance of direction to the respondents to release the retiral benefits, including gratuity, full amount due on account of leave encashment, CPF etc. as well as pension along with interest @ 18% per annum from the date it became due till its realization.

2. The contention of learned counsel for the petitioner is that the petitioner joined as Mali-cum-Chowkidar and was promoted as Assistant Driver (Pump/Tubewell Driver) and retired from service on 31.01.2011. He further contends that in fact there was no disciplinary proceedings/judicial proceedings were pending against the petitioner. Even, he was never put under suspension nor was he reverted nor the salary was reduced but till date retiral benefits have not been released to him.

3. Learned counsel for the petitioner submits that though several representations were moved to the respondents but till date no benefits have been released to the petitioner. He submits that petitioner feels satisfied in case direction is issued to respondent(s) to consider the case of the petitioner as per order dated July 08, 2010, passed in CWP No. 2574 of 2007, titled as "***Gurdial Singh v. State of Punjab and others***", within a stipulated period.

4. Accordingly, without expressing any opinion on the merits of the case, instant petition is allowed with a direction to respondent(s) to consider the case of the petitioner and to decide the same in the light of law laid down in CWP No. 2574 of 2007, titled as "***Gurdial Singh v. State of Punjab and others***", decided on July 08, 2010, within a period of three months from the date of receipt of certified copy of this order.

5. However, if the petitioner still feel aggrieved against the order passed by the concerned authority, he shall be at liberty to approach this Court.

DECEMBER 11, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned ***Yes***
Whether reportable ***Yes/No***