

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

Sr. No.293

Civil Writ Petition No.10686 of 2015
DECIDED ON: September 20, 2017

ASHOK KUMAR

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. R.S. Rangpuri, Advocate,
for the petitioner.

Ms. Sudeepti Sharma, Additional Advocate General, Punjab.

JASPAL SINGH, J.

By virtue of the instant civil writ petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of Certiorari for quashing the order dated 26.02.2015 (P-2) vide which grant of pension has been postponed till the finalization of departmental inquiry as well as for issuance of a writ in the nature of Mandamus directing the respondents to release his retiral benefits such as regular pension, DCRG, Commutation of Pension etc. along with interest @ 18% from the date of his retirement i.e. 31.01.2013 till actual payment.

2. Today, when the case was taken up for hearing, it has emerged that various amounts accrued to the petitioner on account of GPF, Leave Encashment, GIS, Provisional Pension and Gratuity have already been released on different dates to the petitioner. However, there is a delay in

disbursal of the aforesaid benefits, which is not attributable to the petitioner.

On account of pendency of any chargesheet or departmental inquiry, at the most, amount of gratuity could have been withheld by the respondents. The departmental proceedings also stood culminated on 08.09.2017 i.e. by way of passing the order, whereby 3% cut has been imposed on the pension of the petitioner for a period of two years. Thus, amount of Gratuity should have been released immediately thereafter.

3. Here it would be pertinent to mention that order dated 26.02.2015 (P-2) has become redundant in view of the conclusion of departmental inquiry vide order dated 08.09.2017 and no specific finding(s) is/are required.

4. Thus, instant petition is disposed of with the direction to the respondents to finalize his case of regular pension and to pay the balance amount, if any, payable to him out of his retiral benefits along with interest @ 9% per annum on the delayed payments after a period of six months from the date of his retirement, within a period of two months from the date of receipt of certified copy of this order.

5. Further, petitioner shall also be at liberty to approach this Court to lay challenge the order dated 08.09.2017 (R-3/1T), whereby a penalty by way of cut to the extent of 3% in his pension has been imposed, if he feels so aggrieved.

6. No order as to costs.

September 20, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**