

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 17141 of 2015 (O/M)
Date of decision : 21.3.2017

Dr. Charan Pal Chauhan

..... Petitioner (s)

Versus

State of Haryana and others

..... Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sanjeev Kodan, Advocate, for the petitioner.

Mr. Keshav Gupta, Assistant Advocate General, 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 ?

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KULDIP SINGH J. (ORAL)

The petitioner joined respondent-department as Agriculture Development Officer on 29.3.1982 and retired from service on 31.12.2013. It also comes out that during his service, a criminal case bearing FIR No. 17 dated 16.7.2013 under Sections 7 and 13 of the Prevention of Corruption Act, 1988, was registered against the petitioner at State Vigilance Bureau, Jhajjar. Consequently, the petitioner was placed under suspension with effect from 16.7.2013 and superannuated during the suspension period. The claim of the petitioner is that his full gratuity and salary for the period from 16.7.2013 to 31.12.2013 has not been released and the same be released.

The reply of respondents shows that though the petitioner has been acquitted in the said case, vide judgment of acquittal dated 12.12.2014, passed by the learned Additional Sessions Judge, (Exclusive Court),

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Jhajjar, (Annexure-P-1), but the appeal has been filed against the said judgment of acquittal. It also comes out that the disciplinary proceedings under Rule 7 of the Haryana Punishment and Appeal Rules, 1987, for imposition of major penalty are pending since 24.12.2013. Therefore, under Rule 9.15 of the Punjab Civil Services Rules, Volume-II, as applicable to the State of Haryana, the Government is competent to withhold gratuity and commutation of pension.

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

It comes out in the petition that the petitioner has not mentioned about the chargesheet. At the argument stage, the plea of the learned counsel for the petitioner is that the chargesheet cannot be kept pending for indefinite period. In view of Rule 9.15 of the Punjab Civil Services Rules, Volume-II, as applicable to the State of Haryana, the full gratuity cannot be released till the conclusion of the departmental proceedings.

In these circumstances, the present writ petition is disposed of with a direction to the State to conclude the departmental proceedings within six months from the date of receipt of certified copy of this order. It is made clear that if the departmental proceedings are not concluded within the given time frame, the State shall release the full gratuity to the petitioner and fix the responsibility for non conclusion of the departmental proceedings for such a long time. The petitioner is directed cooperate in the departmental proceedings.

So far as the salary for the period from 16.7.2013 to 31.12.2013 is concerned, the petitioner was placed under suspension during that period

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and the State has apparently not decided about the nature of the said period and, therefore, the State is also directed to pass a speaking order regarding the fate of the said period within one month after the conclusion of the inquiry proceedings.

(KULDIP SINGH)
JUDGE

21.3.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No