

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

Sr. No.111+265

**CM No. 10827-CWP of 2017 in/and
Civil Writ Petition No.16599 of 2016
DECIDED ON: August 09, 2017**

SURAJ SINGH BRAR

...PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Devaki Anand Sullar, AAG, Punjab,
for the applicants-respondents.

Mr. B.S. Sidhu, Advocate,
for the non-applicant-petitioner.

JASPAL SINGH, J. (ORAL)

CM No.10827-CWP of 2017

By virtue of instant application preferred under Section 151
CPC, respondents No.1 & 2 have filed reply in compliance of order dated
May 08, 2017 passed by this Court. Same is taken on record subject to all
just exceptions and be tagged at appropriate place.

CM stands disposed of.

CWP No.16599 of 2016

Through the instant civil writ petition preferred under Articles
226/227 of the Constitution of India, petitioner has sought the issuance of a
writ in the nature of certiorari/mandamus quashing the action of respondents

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in not releasing the pension and other retiral benefits despite petitioner stood retired on June 30, 2015 and further not restoring the pay and pension of petitioner at its original stage on expiry of period of punishment in terms of order dated July 14, 2014 (Annexure P-5), whereby punishment of reduction to a lower stage in the time scale of pay, for a period of two years without annual increments was imposed as well as directing the respondents to release all the pensionary benefits of the petitioner such as regular pension, gratuity, leave encashment, GPF etc. along with interest @ 18% per annum by restoring pay and pension of the petitioner at its original stage on expiry of period of punishment in terms of order dated July 14, 2014 (Annexure P-5) as well as recovery of Rs.22,964/- and quashing of order dated June 17, 2015 (Annexure P-6) whereby, an appeal filed by the petitioner has been dismissed.

2. After issuance of notice of motion, learned State counsel has filed reply by way of affidavit of Gurmeet Singh, Under Secretary to Govt. Punjab, Department of Rural Development and Panchayats Punjab on behalf of respondents No.1 & 2. In the said reply, it has been pointed out by respondents No.1 & 2 that two chargesheets dated January 19, 2004 and another dated December 27, 2004 are pending against the petitioner.

3. The contention of learned counsel for the petitioner is that though petitioner stood retired on June 30, 2015 and period of more than two years have elapsed but petitioner has not been disbursed retiral benefits and petitioner feels satisfied in case a direction is issued to decide the charge-sheet, if any, pending against the petitioner within a stipulated period so that necessary retiral benefits be disbursed to the petitioner.

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4. Taking into consideration the aforesaid aspects, instant petition is disposed of with a direction to respondent No.1-Secretary, Department of Rural Development & Panchayats, Vikas Bhawan, Phase VIII, S.A.S. Nagar, Mohali to look into the grievances of the petitioner and take a conscious decision for disbursement of retiral benefits. Respondent No.1 is further directed that both inquiries referred to above be disposed of at its earliest but not beyond a period of four months from the date of receipt of certified copy of this order, in case at the time of disbursal of retiral benefits, authority come to the conclusion that petitioner is entitled to the same, grant of interest on delayed payments in terms of judgment in case ***A.S. Randhawa vs. State of Punjab & Ors., 1997 (3) SCT 468*** be considered.

5. However, if petitioner still feel aggrieved by any order of the afore-said authority, he shall be at liberty to approach this Court.

August 09, 2017
Ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No