

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

CWP No.16644 of 2017

Date of decision: July 28, 2017

Omender Singh (Patwari)

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. P.K. Banga, Advocate
for the petitioner.

JASPAL SINGH, J. (ORAL)

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of certiorari for setting aside the impugned order dated 21.03.2016 (Annexure P-1), passed by the Collector Bhiwani and order dated 23.11.2016 (Annexure P-2) passed by the Commissioner, Hisar Division, Hisar, by which, service of the petitioner has been dismissed only on the basis of judgment and order dated 03.02.2014 and 04.02.2014 passed by Addl. Sessions Judge, Bhiwani whereas neither any departmental inquiry was conducted nor the service record was scrutinized. Appellate Authority also dismissed the appeal of petitioner in violation the doctrine of natural justice. Criminal Appeal No.617-SB of 2014 against orders dated 03.02.2014 and 04.02.2014, is still subjudice before this Court, in which, sentence awarded to the petitioner has already been suspended. The petitioner has also sought the issuance of a writ in the nature of mandamus directing the respondents to grant the provisional pension and other retiral benefit to the petitioner under Rule 9.15 of Punjab Civil Services Rule applicable to Haryana, w.e.f. 31.03.2016 i.e. the date of his retirement

keeping in view of Section 16.2 of Punjab Civil Services Rule applicable to Haryana to consider the length of service of the petitioner while passing the order and to release the retiral benefits and to consider for provisional pension.

At the very outset, learned counsel for the petitioner submits that petitioner feels satisfied in case a direction is issued to the official respondent(s) to decide representation dated 29.05.2017 (Annexure P-4) within a stipulated period. The petitioner stood retired on 31.03.2016 but till date neither the pensionary benefits have been disbursed nor any conscious decision has been taken on the representation.

After hearing learned counsel for the petitioner and appraisal of the documents available on record, instant petition is disposed of with a direction to the official respondent(s) to look into the grievances unfolded by the petitioner in his representation dated 29.05.2017 (Annexure P-4) and to decide the same in accordance with law, within a period of three months from the date of receipt of certified copy of this order.

July 28, 2017

m. sharma

(JASPAL SINGH)

JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No