

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

Sr. No.120

Civil Writ Petition No.17599 of 2017
DECIDED ON: August 09, 2017

RAMESHWAR BENIWAL

...PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sandeep Goyat, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

By virtue of 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 mandamus directing the respondents to disburse the retiral benefits including Death-cum-Retirement Gratuity (DCRG), Commutation of Pension etc. of the petitioner along with interest @ 12% per annum as well as interest on delayed payments of leave encashment equivalent to 300 days as well as to release the salary for the month of January and February, 2014 along with interest as stated above.

2. The contention of learned counsel for the petitioner is that petitioner stood retired on October 31, 2015 as Excise and Taxation Officer from the office of Deputy Excise and Taxation Commissioner (ST), Hisar. The retiral benefits except leave encashment were not released/disbursed to

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the petitioner by the respondents on the pretext of charge-sheet was issued to the petitioner prior to his retirement. However, proceedings in the said charge-sheet have since been dropped on May 09, 2017 but subsequent thereto it came to light that petitioner has been served with another charge-sheet on March 31, 2017 i.e. more than one and a half year of his retirement. If at all any recovery is to be effected from the petitioner that can be effected from his retiral benefits and at least gratuity can be released.

3. Instant petition is disposed of with a direction to respondent No.1-Additional Chief Secretary-cum-Principal Secretary, Excise and Taxation Department, Govt. of Haryana, Civil Secretariat, Chandigarh to finalize the proceedings with regard to charge-sheet dated March 31, 2017 within a period of four months positively and then case of petitioner be considered for grant of retiral benefits, in case, petitioner deserves the retiral benefits, same be released next 45 days. At the time of grant of retiral benefits, grant of interest shall also be considered in view of judgment in case *A.S. Randhawa vs. State of Punjab & Ors., 1997 (3) SCT 468*.

4. However, if petitioner still feels aggrieved of the orders passed by the Department, 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**