

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

Sr. No.120

Civil Writ Petition No.22641 of 2017
DECIDED ON: October 04, 2017

VINOD KUMAR GUPTA

..PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. S.S. Antal, 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 especially in the nature of mandamus directing the respondent No.2 to complete the departmental inquiry pending against the petitioner and further to release the retiral benefits i.e. Leave Encashment and Gratuity due to the petitioner.

2. The contention of learned counsel for the petitioner is that petitioner stood retired on attaining the age of superannuation on April 30, 2016 but prior to the date of his retirement, he was served with chargesheet on February 04, 2016 which is still pending. He further submits that on account of pendency of aforesaid inquiry/disciplinary proceedings, retiral benefits especially leave encashment and gratuity which are due to the petitioner have been withheld by the respondents. He further contends that

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though petitioner moved a representation dated June 25, 2017 (P-3) to the Managing Director, The Haryana State Coop. Apex Bank, Chandigarh but till date nothing has been done. Learned counsel for the petitioner feels satisfied in case a direction is issued to the respondents to dispose of the inquiry within some prescribed period.

Undoubtedly, petitioner was served with charge-sheet in the first week of February, 2016 and he stood retired on attaining the age of his superannuation on April 30, 2016 despite the fact that a period of one year & six months have elapsed, inquiry/disciplinary proceedings are still pending.

3. Without expressing any opinion on the merits of the case, instant petition is disposed of with the direction to the respondents to conclude the inquiry/disciplinary proceedings pending against the petitioner within a period of four months positively from the date of receipt of a certified copy of this order. In case, petitioner is exonerated in those proceedings, to release the amount due to the petitioner on account of leave encashment and retiral benefits within a period of next one month.

4. However, in case, petitioner still feels aggrieved by any of the order passed by concerned authority, he shall be at liberty to approach this Court.

October 04, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes/No
Yes/No**