

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

Sr. No.113

**Civil Writ Petition No.22957 of 2017**  
**DECIDED ON: October 07, 2017**

**BALWINDER SINGH**

**..PETITIONER**

**VERSUS**

**STATE OF PUNJAB AND OTHERS**

**...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE JASPAL SINGH**

Present: Mr. Raman Goklaney, Advocate,  
for the petitioner.

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**JASPAL SINGH, J. (ORAL)**

Through the instant civil writ petition preferred under Article 226/227 of the Constitution of India, petitioner has sought the issuance of an appropriate writ, order or direction in the nature of mandamus directing the respondents to release the full & final retiral benefits viz. Gratuity, Leave Encashment, GIS etc. due to petitioner who having been retired on April 30, 2015 (joined as CDPO with respondent-department on July 06, 1992 after working in the Education Department from December 27, 1982 to July 05, 1992) and arrears of salary & all other consequential service benefits after incorporating the benefits of 9-14 ACP Scheme and to count ad-hoc service of the petitioner for the period December 27, 1982 to April 01, 1985 for the purpose of calculating pension & other service benefits as well as to start giving full pension along with interest on delayed payments.

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2. The contention of learned counsel for the petitioner is that petitioner stood retired as Child Development Project Officer (CDPO) on attaining the age of superannuation on April 30, 2015. However, subsequent to his retirement, when he was served with two chargesheets dated July 21, 2015 and dated March 21, 2016 i.e. after his retirement that too, in respect of events which are alleged to have taken place in the year 2009-2010. He further contends that chargesheets are against the letter and spirit of Service Rules especially Rule 2.2(b) Chapter-II of Punjab Civil Services Rules which clearly provides that departmental proceedings after the retirement shall not be instituted in respect of an event which took place more than four years prior to the said institution of such proceedings. Detailed replies to the aforesaid chargesheets have been filed on October 01, 2016 and dated February 28, 2017 but till date, inquiry has not been concluded/completed. He further submits that no retiral benefits have been granted till date to the petitioner on account of pendency of aforesaid chargesheets.

3. Instant petition is disposed of with a direction to respondent No.2-Director, Social Security and Women & Child Development Department, Government of Punjab, SCO 101-102, Sector 34-A, Chandigarh to conclude the inquiry within a period of four months from the date of receipt of a certified copy of this order. In case, respondent No.2 comes to the conclusion that petitioner is entitled to the relief(s) claimed, same be released to him within a period of next one month. Factum of interest in view of judgment passed by Full Bench of this Court in case **A.S. Randhawa vs. State of Punjab & Ors., 1997 (3) SCT 468** as well as judgment passed by this Court in CWP No.8772 of 2015 captioned as

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***Charan Dass vs. State of Punjab & Ors.*** decided on July 11, 2017, be also considered on delayed payment(s).

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

**October 07, 2017**  
*Ankur*

**(JASPAL SINGH)**  
**JUDGE**

|                                  |               |
|----------------------------------|---------------|
| <b>Whether speaking/reasoned</b> | <b>Yes/No</b> |
| <b>Whether reportable</b>        | <b>Yes/No</b> |