

CWP No.29151 of 2017

DECIDED ON: DECEMBER 20, 2017

DHARAMBIR SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Vijay Dahiya, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226 of the Constitution of India petitioner has sought a writ in the nature of mandamus directing the respondents to release all the retiral benefits i.e. Gratuity, leave encashment, GPF and full pension etc. and to decide the pending case as soon as possible.

2. Concededly, petitioner stood retired as Assistant Excise and Taxation Officer on attaining the age of superannuation on October 31, 2015. Prior to his retirement he was served with show cause notice dated December 13, 2013 (P-1) for taking action against him under Rule 8 of Haryana Civil Services (Punishment and Appeal), Rules. The said show cause notice was duly replied by the petitioner well in time. Even the comments sought from the

DETC (Excise), Rohtak were also sent to the concerned authority in the Month of October, 2015 but till date no conscious decision has been taken. As per the instructions issued by the Government of Haryana dated January 28, 2009 (P-5), disciplinary proceedings pending against a government employee were directed to be dealt with and disposed of within a period of six months but in the case in hand, despite the fact that a period of four years have elapsed no final decision has been taken. Except the provisional pension, no other retiral benefit has so far been released/disbursed to the petitioner. It appears that there is a blatant violation of the government instructions dated January 28, 2009 (P-5) by the concerned authorities, who have not bothered even to deal with and dispose of the matter within a period of four years from the date of issuance of notice, that too for the imposition of minor penalty.

3. Accordingly, instant petition is disposed of with a direction to respondents No.1 and 2 to decide the show cause notice (P-1) within a period of two months from the date of receipt of certified copy of this order and then consider the case of the petitioner for the release of remaining retiral benefits. In case the authorities came to the conclusion that petitioner is entitled to the relief claimed by him through the instant petition, to release the same within next one month, if there is no impediment.

4. As far as grant of interest on the delayed payment(s) is concerned that shall also be considered in view of the observations made by Full Bench of this Court in case captioned as *A.S. Randhawa vs. State of Punjab & Ors.*, **1997 (3) SCT 468** as well as instructions issued by the Government of Haryana

vide No. 1/2(152)01-2 FR II, dated February 20, 2002.

5. However, in case the petitioner still feels dissatisfied by any order of the afore-said authority, he shall be at liberty to approach this Court.

DECEMBER 20, 2017
sham

(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>

CWP No.29158 of 2017

DECIDED ON: DECEMBER 20, 2017

NATHU RAM

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Peeush Gagneja, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought a writ in the nature of mandamus directing the respondents to release all the retiral benefits to the petitioner i.e. gratuity, leave encashment, DA installments, arrears of revised pay scale w.e.f. 01.01.2006 etc. along-with interest on the delayed payment(s).

2. Learned counsel for the petitioner has submitted that petitioner stood retired on April 30, 2017 on attaining the age of superannuation but till nothing has been paid to him despite the fact that 7 months have elapsed. Petitioner constrained to serve legal notice dated October 23, 2017 (P-2) upon the respondents, which also did not fetch any reply. He further submits that he feels satisfied in case a direction is issued to respondent No.4 to consider and decide the legal notice (P-2) within some stipulated period.

4. Accordingly, instant petition is disposed of with a direction to respondent No.4 to look into the grievance unfolded by the petitioner in the legal notice (P-2) and to decide the same in accordance with law, rules, regulations and instructions issued by the government of Punjab from time to time within a period of two months from the date of receipt of certified copy of this order. In case the authority comes to the conclusion that petitioner is entitled to the relief claimed by him through the legal notice (P-2), to release the same within next one month, if there is no impediment legal or otherwise.

5 As far as grant of interest on the delayed payment(s) is concerned that shall also be considered in view of the observations made by Full Bench of this Court in case captioned as *A.S. Randhawa vs. State of Punjab & Ors., 1997 (3) SCT 468*

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

DECEMBER 20, 2017
sham

(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 29170 of 2017

DECIDED ON: DECEMBER 20, 2017

LAKHWINDER KAUR AND OTHERS

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Saurabh Arora, Advocate
for the petitioners.

JASPAL SINGH, J (ORAL)

Learned counsel for the petitioners submits that he may be allowed to withdraw the instant petition with liberty to approach the appropriate authority.

Dismissed as withdrawn with liberty as prayed for.

DECEMBER 20, 2017
sham

(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>

125 CWP No.29192 of 2017

DR. AJAIB SINGH

VS

THE PUNJAB AGRICLTURE UIVERSITY AND OTHERS

Present: Mr. Jatinder Singla, Advocate for
 Mr. Sanjay Nagpal, Advocate
 for the petitioner.

At request, adjourned to 05.02.2018.

DECEMBER 20, 2017
sham

(JASPAL SINGH)
JUDGE

126 CWP No.29195 of 2017

JASBIR SINGH AND ANR

VS

STATE OF PUNJAB THROUGH THE SECRETARY AND ORS

Present: Mr. Amrik Singh, Advocate
for the petitioner.

Learned counsel for the petitioners has *inter-alia* contended that on the basis of decision passed by this Court in CM No. 10293 of 2012 in CWP No. 18128 of 2011, captioned as **Jiwan Singh and others vs. State of Punjab and others;** decided on May 23, 2013, the pay of petitioners No.1 and 2 was fixed vide orders dated September 08, 2014 and January 01, 2015 respectively but those orders were subsequently modified vide orders dated April 07, 2016 and May 29, 2015 (P-5 and P-6), which under challenge and the recovery has been ordered simply on the ground that option once given cannot be changed. In fact, in the case in hand change of option and re-fixation was on account of compliance of order dated May 23, 2013 passed in CM No. 10293 of 2012 in CWP No. 18128 of 2011.

Notice of motion for 06.04.2018.

DECEMBER 20, 2017
sham

(JASPAL SINGH)
JUDGE

127 CWP No.29197 of 2017

SUKHWINDER SINGH VS STATE OF PUNJAB & ORS

Present: Mr. Rakesh Kumar, Advocate
 for the petitioner.

Heard.

Notice of motion for 17.04.2018.

DECEMBER 20, 2017
sham

(JASPAL SINGH)
JUDGE

CWP No. 29200 of 2017

DECIDED ON: DECEMBER 20, 2017

BALDEV SINGH

.....PETITIONER

VERSUS

PUNJAB STATE POWER CORPN LTD AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH²²

Present: Mr. A.K. Walia, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought a writ in the nature of mandamus directing the respondents to grant him the benefit of promotional increment(s), in view of circular dated April 23, 1990 (P-1) as well as in view of judgments passed by this Court in CWP No. 10808 of 2007 (P-7), CWP No. 7538 of 2014 (P-8), CWP No. 17270 of 2007 (P-14) and also in view of orders dated May 11, 2015 and June 12, 2015 (P-10 and P-12) with further direction to release the interest @ 18% per annum on the delayed payment(s).

2. Learned counsel for the petitioner has submitted that though a representation dated July 11, 2017 (P-3) was moved by the petitioner to respondent No.1 but till date no conscious decision has been taken. Learned counsel for the petitioner further submits that he feels satisfied in case a

direction is issued to respondent No.1 to consider and decide the afore-said representation (P-3) within some stipulated period.

3. Accordingly, instant petition is disposed of with a direction to respondent No.1 to look into the grievances unfolded by the petitioner in the representation (P-3) and to take a conscious decision in accordance with law, rules, regulations and instructions issued by the Government from time to time within a period of three months from the date of receipt of certified copy of this order.

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

DECEMBER 20, 2017
sham

(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>

CWP No. 29201 of 2017

DECIDED ON: DECEMBER 20, 2017

PARKASH CHAND

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Peeush Gagneja, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India petitioner has sought a writ in the nature of mandamus directing the respondents to release all the retiral benefits to the petitioner such as Gratuity, leave encashment, DA installments, arrears of revised pay scale w.e.f. 01.01.2006 along-with interest on the delayed payment(s).

2. Learned counsel for the petitioner has submitted that petitioner stood retired on April 30, 2016 on attaining the age of superannuation but till date nothing has been paid to him despite the fact that 7 months have elapsed. Petitioner constrained to serve legal notice dated October 09, 2017 (P-4) upon the respondents, which also did not fetch any reply. He further submits that he feels satisfied in case a direction is issued to respondent No.4 to consider and decide the legal notice (P-4) within some stipulated period.

4. Accordingly, instant petition is disposed of with a direction to respondent No.4 to look into the grievance unfolded by the petitioner in the legal notice (P-4) and to decide the same in accordance with law, rules, regulations and instructions issued by the government of Punjab from time to time within a period of two months from the date of receipt of certified copy of this order. In case the authority comes to the conclusion that petitioner is entitled to the relief claimed by him through the legal notice (P-4), to release the same within next one month, if there is no impediment legal or otherwise.

5 As far as grant of interest on the delayed payment(s) is concerned that shall also be considered in view of the observations made by Full Bench of this Court in case captioned as *A.S. Randhawa vs. State of Punjab & Ors., 1997 (3) SCT 468*

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

DECEMBER 20, 2017
sham

(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>

130 CWP No.29233 of 2017

KAMAL SINGH VS PSPCL AND OTHERS

Present: Mr. Ashish Grover, Advocate
for the petitioner.

Learned counsel for the petitioner has *inter-alia* contended that an amount of ₹7,95,518/- has been recovered from the gratuity of the petitioner, which is absolutely in violation of principles of natural justice as well as contrary to the provisions of Payment of Gratuity Act as well as settled proposition of law particularly observations made by Hon'ble Apex Court in the case of **State of Punjab and others vs. Rafiq Masih (White Washer); 2015 (1) SCT 195 SC.**

Notice of motion for 18.04.2018.

DECEMBER 20, 2017
sham

(JASPAL SINGH)
JUDGE

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

CWP No.29238 of 2017

DECIDED ON: DECEMBER 20, 2017

ASHOK KUMAR RACHAN

.....PETITIONER

VERSUS

STATE OF PUNJAB & ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. R.K. Arora, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought a writ in the nature of mandamus directing the respondents to consider and grant him the benefit of Dynamic ACP from the due date in terms of Government Instructions dated 17.04.2000 (P-1), read with instructions dated 22.12.2011(P-2) and dated 09.08.2016 (P-3) whereby, the benefit of Dynamic ACP was also extended to the Lecturers and similarly situated have been given the same benefit in pursuant to the decisions passed by this Court in CWP No. 16914 of 2014 (P-6) and CWP No. 2502 of 2015 (P-7), implemented vide memo dated 15.09.2017 and 27.09.2017 (P-8 and P-9) with all consequential relief along-with interest on the delayed payment(s).

2. Learned counsel for the petitioner has submitted that petitioner moved a representation dated November 13, 2017 (P-10) but till date no conscious decision has been taken. He further submits that he feels satisfied in case a direction is issued to respondent No.1 to consider and decide the representation (P-10) within some stipulated period.

4. Accordingly, instant petition is disposed of with a direction to respondent No.1 to look into the grievance unfolded by the petitioner in his representation (P-10) and to decide the same in accordance with law, rules, regulations and instructions issued by the government of Punjab from time to time within a period of three months from the date of receipt of certified copy of this order.

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

DECEMBER 20, 2017
sham

(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>