

BANI SINGH

....PETITIONER

VERSUS

UTTAR HARYANA BIJLI VITRAN NIGAM LTD & ORS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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

Mr. C.S. Bakshi, Addl. AG, Haryana.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of writ in the nature of certiorari for quashing the impugned order dated January 21, 2015 (Annexure P-5) issued by respondent No.3 whereby the all retiral benefits have been withheld till the decision of charge sheet (Annexure P/3) as well as issuance of a writ in the nature of mandamus directing the respondents to release his retiral benefits i.e. gratuity, commuted pension and 3rd ACP scale along-with interest @18% per annum on the delayed payments with further direction to take final decision on the charge sheet dated December 11, 2014 (Annexure P-3) within a

reasonable time preferably within a period of one month.

2. At the very outset of arguments, it has been submitted by learned State counsel that inquiry with regard to the charge sheet (Annexure P-3) has already been concluded vide office order No. 336/SE/HR, dated July 20, 2017 (Annexure R-1) whereby, an amount of ₹1,01,001/- has been ordered to be recovered from the pensionary benefits of the petitioner.

3. Upon passing of the afore-said order dated July 20, 2017 the relief sought by the petitioner with regard to the withholding the amount of gratuity as well as disposal of charge sheet (Annexure P-3) has rendered infructuous. In this regard, instant petition is disposed of accordingly. However, a liberty is granted to the petitioner to challenge this order.

4. It has further been emerged during the course of arguments that the other benefits except the grant of 3rd ACP scale, have already been released/disbursed in favour of the petitioner. As far as the relief with regard to grant of 3rd ACP is concerned, respondent No.3 is directed to pass an appropriate order in accordance with law and rules within a period of two months from the date of receipt of certified copy of this order. In case respondent No.3 comes to the conclusion that petitioner is entitled to the relief(s) claimed by him, to release the same within next one month. However, the matter with regard to grant of interest on delayed payments shall also be considered in view of observations made by Full Bench of this Court in case captioned as **“A.S. Randhawa vs. State of Punjab and others; 1997 (3) SCT 468** and in CWP No. 8772 of 2015 titled as **Charan Dass vs. State of Punjab & others;** decided on July 11, 2017. However, if petitioner still feels

aggrieved by any order of the afore-said authority with regard to interest, he shall be at liberty to approach this Court.

SEPTEMBER 19, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No