

CWP No.10014 of 2015 (O&M)

[1]

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

Sr. No.216

**Civil Writ Petition No.10014 of 2015 (O&M)
DECIDED ON: February 19, 2018**

TILAK RAJ

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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

Mr. Manoj Bajaj, Additional Advocate General, Punjab.

JASPAL SINGH, J.

Through the instant civil writ petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought issuance of a writ especially in the nature of Mandamus directing the respondents to disburse all the retiral benefits to him who stood retired on 31.10.2014 along with interest @ 18% per annum.

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2. Concededly, petitioner has been facing departmental proceedings under Rule 8 of The Punjab Civil Services (Punishment and Appeal) Rules, 1970 (for short '1970 Rules') and his Death-cum-Retirement Gratuity (DCRG) was withheld under Rule 2.2 (c) of the Punjab Civil Services Rules Volume II.

3. During the pendency of instant petition, those proceedings stood culminated vide order dated 06.06.2016 passed by the Director, Education Department, Punjab, whereby a penalty has been imposed to the extent of 5% cut for the period of two years on the pension of petitioner. Thus, petitioner aggrieved against the aforesaid order dated 06.06.2016, shall be at liberty to challenge the said order by initiating the appropriate proceedings.

4. As far as grant/release of other retiral benefits is concerned, provisional pension to the extent of 75% is being paid to the petitioner, whereas, remaining 25% was withheld. If, there is a delay in the payment of provisional pension or arrears thereof as well as other retiral benefits i.e. Leave Encashment, Gratuity etc. for the period of more than three months from the date of his retirement, petitioner is entitled to interest @ 9% per annum after the expiry of three months from the date of his retirement i.e. 31.10.2014 till actual payment. So far as the remaining 25% of pension is concerned, same shall be released by the respondents and its arrears be calculated and paid to the petitioner. The entire exercise is expected to be carried out by the respondents within a period of two months from the date of receipt of certified copy of this order. In case of

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non compliance of this order, petitioner shall be at liberty to approach this Court.

5. With the aforesaid observations and directions, instant petition stands disposed of.

February 19, 2018 **(JASPAL SINGH)**
Ankur **JUDGE**

Whether speaking/reasoned	Yes
Whether reportable	Yes/No