

**CWP No. 1223 of 2018
DECIDED ON: JANUARY 22, 2018**

MALKIAT SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND 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 certiorari/mandamus to quash the impugned action of the respondents in not releasing the regular pension, commutation of pension and DCRG with further direction to release the regular pension, commutation of pension and DCRG along-with interest @ 18% per annum.

2. The contention of learned counsel for the petitioner is that petitioner stood retired on attaining the age of superannuation on September 30, 2017. No doubt prior to his retirement, a departmental inquiry was pending against the petitioner but Inquiry Officer has already submitted his report vide letter dated August 03, 2017. According to which the charges levelled against the petitioner were not proved/established but till date no final decision has been taken

thereon. He further contends that on account of pendency of afore-said disciplinary proceedings, regular pension, commutation of pension and DCRG etc have not so far been released to the petitioner.

3. However, at this stage, he feels satisfied in case a direction is issued to the concerned authority to look into the grievances unfolded by the petitioner in his representation dated December 21, 2017 (P-5) and to dispose of the same in a date bound manner.

4. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondent No.1 to take a final and conscious decision and pass an appropriate order on the basis of inquiry report dated August 03, 2017 furnished by the inquiry officer and in case the decision is rendered in favour of the petitioner in the said inquiry to decide the other grievances put forth by the petitioner in his representation (P-5) within a period of two months from the date of receipt of certified copy of this order and the benefits be released, accordingly. At the time of release/disbursement of retiral benefits to the petitioner, respondent No.1 shall also consider the grant of interest on the delayed payment in respect of the period i.e. after the expiry of three months from the date of retirement of the petitioner.

5. If needful is not done as referred to above, petitioner shall be at liberty to approach this Court.

JANUARY 22, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*