

**CWP No. 13597 of 2018
DECIDED ON: MAY 28, 2018**

R V BARI

.....PETITIONER

VERSUS

DAKSHIN HARYANA BIJLI VITRAN NIGAM & OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Himanshu Raj, Advocate
for the petitioner.

JASPAL SINGH, J. (ORAL)

Through the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of Mandamus directing the respondents No.1 to 3 to release him the full and final payment of commutation of pension along-with DCRG amounting to ₹48,00,000/- (Fourty Eight Laks) approximately in accordance with Haryana Civil Services (Pension) Rules 2016, especially in the light that the charge sheet stands dropped as well as to release the salary for the Month of September 2017 that too, along-with interest @18%.

2. Learned counsel for the petitioner contends that petitioner stood

retired as Chief Accounts Officer on attaining the age of superannuation on 30.09.2017 but two months prior to his retirement he was served with the charge sheet on 21.07.2017, which was duly replied on 17.08.2017. Subsequently, after considering the reply, vide order dated 18.10.2017 (P-8) the competent authority has decided to drop the charge sheet. Meaning thereby, after 18.10.2017 nothing was pending against the petitioner but despite that fact the retiral benefits having been released in favour of the petitioner by the respondents. Constrained with in-action on the part of the respondents in not releasing the afore-said benefits, petitioner approached the respondents by way of various representations including latest representation dated 20.03.2018 (P-18) yet no action has been taken. Even, no response has also been received by any of the respondents for withholding or non-disbursal of the benefits to the petitioner. At this juncture, petitioner feels satisfied in case a direction is issued to respondents to consider and decide the representation dated 20.03.2018 (P-18) in a time bound manner.

4. Thus, without expressing any opinion on merit but after considering the afore-said aspects, instant petition is disposed of with a direction to respondents to look into the grievances unfolded by the petitioner in his representation dated 20.03.2018 (P-18) and to take a conscious decision in accordance with law, rules and regulations within a period of two months from the date of receipt of a certified copy of this order. In case, competent authorities comes to the conclusion that petitioner is entitled to the relief(s) claimed, same be released to him within a period of next two months. Factum of interest on the delayed payment(s) shall also be considered in view of

instructions No. 1/2(152) 01-2 FR II, dated 20.02.2002 issued by the Govt. of

Haryana.

5. However, if petitioner still feels aggrieved by any of the orders passed by the aforesaid authority, he shall be at liberty to have recourse to other remedies available under law including to approach this Court.

MAY 28, 2018
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(JASPAL SINGH)
JUDGE

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