

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

Sr. No.216

**Civil Writ Petition No.2143 of 2015 (O&M)**  
**DECIDED ON: January 22, 2018**

**NARESH KUMAR**

**..PETITIONER**

**VERSUS**

**THE PUNJAB SCHEDULED CASTES LAND DEVELOPMENT AND  
FINANCE CORPORATION THROUGH ITS EXECUTIVE  
DIRECTOR**

**...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE JASPAL SINGH**

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

Mr. Gautam Thapar, Advocate,  
for the respondent.

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**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 respondent-Corporation to release the withheld retiral benefits of Gratuity, Leave Encashment and GIS in terms of the Regulations 59 and 76 of 1971, who retired from service on November 30, 2014 on attaining the age of superannuation i.e. 58 years and further for quashing the departmental proceedings initiated against him by way of charge-sheet dated November 26, 2014 (P-2/1).

2. Undisputably, petitioner stood retired as Administrative Officer (Loan) from the respondent-Corporation on attaining the age of

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superannuation. But prior to his retirement, he was placed under suspension and was reinstated in pursuance of which he joined his services on November 27, 2014 (P-2/3) and after three days i.e. on November 30, 2014, he retired in pursuance of order No.SCFC/Estt/EA-1/2014/7330 dated November 28, 2014 (P-3) passed by the concerned authorities. However, in the last week of his retirement, petitioner was served with chargesheet dated November 26, 2014 (P-2/1) and on account of the said chargesheet/disciplinary proceedings, the retiral benefits were withheld and till date the same have not been disbursed to the petitioner. The sole question which requires in the instant case is whether inquiry proceedings or disciplinary action can be continued or taken against an official after the retirement from the Corporation and answer of this question is negative particularly in view of judgment rendered by this Court in case ***Darshan Singh Chauhan vs. The Punjab Scheduled Castes Land Development and Finance Corporation***, passed in CWP No.19657 of 2008 (O&M) decided on January 11, 2010 (P-6). Aggrieved against the said order passed by the Single Bench of this Court, respondents preferred an LPA No.234 of 2010 which was dismissed vide order dated February 19, 2010 (P-7). Not only this, even Special Leave Petition preferred before the Hon'ble Apex Court against the aforesaid order(s) that too, met with the same fate as is evident from the order dated July 05, 2010 (P-8).

3. During the course of arguments, learned counsel for the respondents also could not satisfy this Court with regard to non-applicability of the aforesaid judgment(s) to the facts and circumstances of this case. Otherwise also, this Court has minutely scanned the aforesaid

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judgment(s) which squarely covers with the controversy involved in the instant petition.

4. Thus, in view of the law laid down in the aforesaid judgment(s), charge-sheet dated November 26, 2014 (P-2/1) is quashed and subsequent proceedings. Consequently, petitioner is entitled to retiral benefits i.e. Gratuity, Leave Encashment and GIS which has also been claimed through the instant petition.

5. In the the light of what has been discussed above, instant petition is allowed but without cost. Besides, quashing the charge sheet dated November 26, 2014 (P-2/1), the respondent-Corporation is issued a direction to make the payment of the retiral benefits i.e. Gratuity, Leave Encashment and GIS along with interest @ 9% per annum which became due on account of his retirement after an expiry of three months of the retirement, within a period of two months from the date of receipt of a certified copy of this order. In case of non compliance of this order, petitioner shall be at liberty to approach this Court.

**January 22, 2018**  
*Ankur*

**(JASPAL SINGH)**  
**JUDGE**

|                                  |               |
|----------------------------------|---------------|
| <b>Whether speaking/reasoned</b> | <b>Yes</b>    |
| <b>Whether reportable</b>        | <b>Yes/No</b> |