

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.24530 OF 2014 (O&M)
DECIDED ON: JULY 04, 2018

DEVI SINGH (SINCE DECEASED)
THROUGH LRS.

.....PETITIONER

VERSUS

HBVNL AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sushil Bhardwaj, Advocate,
for the petitioner.

Mr. Rajinder Mathur, Advocate,
for respondent No.1.

JASPAL SINGH, J.

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, the petitioner has sought issuance of a writ in the nature of mandamus directing the respondents to release the retiral benefits along with interest from the date of retirement i.e. 31.03.2014 till actual payment.

2. During the course of arguments, it has emerged that petitioner was retired on 31.03.2014 and was served with charge-sheet dated 18.06.2012 prior to his date of retirement but that charge-sheet was withdrawn on 12.06.2014. However, subsequent thereto, a fresh charge-sheet was issued on 11.09.2014 (P-3).

3. It is an admitted fact that petitioner-Devi Singh was taken away by

the nature on 23.11.2016 i.e. during the pendency of instant petition and accordingly, his legal heirs were allowed to be impleaded. Even, after the demise of Devi Singh, proceedings in the aforesaid charge-sheet are being continued, which is absolutely against the rules as well as settled canons of law. It is well settled proposition of law that no departmental inquiry can be initiated or continued after the demise of an employee or a retiree. To buttress this observation, we can have the reference of Division Bench judgment of Andhra Pradesh High Court rendered in ***“Principal Secretary to Govt. Agriculture and Co-op Depot., Govt. of A.P. vs. Ahmed Begum”***, 2002(3) SCT 138 as well as that of Hon'ble Apex Court rendered in case ***“R. Meshwar Manjhi v. Management of Sangaramgarh Colliery”***, 1994(1) SCT 500. Thus, if at all the proceedings are pending or continued against the original petitioner, those stood culminated on the date of his demise and it would be deemed that nothing adverse is there against him. Even after the demise of Devi Singh on 23.11.2016 till date, no efforts were made by the respondents for the release/disbursal of retiral benefits to his legal heirs. Under the Provision of Civil Service Rules, at the most, the respondents could have withheld gratuity payable to Devi Singh. On account of pendency of above referred charge sheet, which stood abated on 23.11.2016 on account of his death, the respondents were obliged to make the payment of other retiral benefits within a reasonable period of three months from the date of his retirement.

4. During the course of arguments, it has also emerged that some of the benefits have already been paid to petitioner-Devi Singh or his legal heirs but some benefits are still due and payable to them. Since, the payment of various

dues except gratuity which could have been withheld on account of pendency of charge-sheet, petitioner has become entitled for interest @ 9% per annum on delayed payment after the expiry of three months from the date of retirement of Devi Singh (since deceased) till actual payment of the retiral dues and after three months of the demise of Devi Singh.

5. The respondents are directed to calculate and pay the benefits which have not so far been paid within a period of three months from the date of receipt of certified copy of this order . As far as gratuity is concerned that would also be payable after three months of the demise of petitioner i.e. 23.11.2016, if the same has not been paid till date, it would also carry interest @ 9% per annum as has been referred to above.

6. However, if petitioner still feels aggrieved against any order passed by the aforesaid authority, she shall be at liberty to have recourse to the other remedies available under law as well as to approach this Court.

JULY 04, 2018
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(JASPAL SINGH)
JUDGE

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