

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-24726-2016 (O&M)

Date of decision: - 10.12.2018

Rajender Parshad Lamba

....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ramesh Goyat, Advocate
for the applicant-petitioner.

Mr. Sunil K. Vashisht, Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

CM-18370-2018

Application is allowed, as prayed for. Order dated 13.09.2018 (Annexure P-11) is taken on record, subject to all just exceptions.

CWP-24726-2016

In the present case, the petitioner retired from service on 31.10.2013. At the time when the petitioner retired, there was a criminal case pending against him and after his retirement, he was acquitted by the trial Court on 07.12.2013. Even the appeal which was filed against the acquittal, was dismissed on 03.06.2015. After the said acquittal, the

petitioner claimed that he was entitled for release of the pensionary benefits, which were not been released to him.

Not only this, while the petitioner was in service in 2003, he was placed under suspension in March, 2003 and he continuously remain under suspension period till February, 2006. In respect of the allegations for which, the petitioner was under suspension, he was also charge-sheeted on 01.05.2003. Charge-sheet continued to remain pending despite the fact that the petitioner retired from service in the year 2013. The pendency of the charge-sheet was also made a ground by respondents to withhold the pensionary benefits.

Counsel for the petitioner states that even the charge-sheet dated 01.05.2003 has already been withdrawn by the respondents, vide order dated 13.09.2019 and a copy of the same is placed on record as Annexure P-11.

Counsel for the petitioner further states that at present, there is nothing pending against the petitioner, which entitles the respondents to withhold the pensionary benefits. Therefore, now the respondents are liable to be directed to release the pensionary benefits alongwith interest, as nothing was found against the petitioner by the respondents even in the departmental inquiry.

Keeping in view the request made by counsel for the petitioner, a direction is issued to the respondents to consider the case of the petitioner for the release of the pensionary benefits for which he was entitled for after his superannuation on 31.10.2013. Let an appropriate order in this regard be passed by the respondents within a period of three

months from the date of receipt of certified copy of this order. In case after the decision, it is found that the petitioner is entitled for the relief of the release of pensionary benefits, the same shall be released to him within a period of two months thereafter. While passing the order in respect of the release of the pensionary benefits, the respondents shall also keep in mind that the pensionary benefits of the petitioner were withheld for more than five years because of a charge-sheet, which stood dropped.

Counsel for the petitioner states that the respondents have also to decide upon the suspension period from 13.03.2003 till 09.02.2006 in view of the dropping of the charge-sheet, vide order dated 13.09.2018.

The respondents shall consider this request also and pass the appropriate orders in this regard while deciding the claim made by the petitioner.

In view of the above, the present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

December 10, 2018
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No