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

**CWP-9152-2013 (O&M)
Date of decision-28.08.2018**

Buta Singh

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. O.P.Gabba, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

JITENDRA CHAUHAN, J. (Oral)

This writ petition under Articles 226/227 of the Constitution of India has been filed for issuance of a writ in the nature of certiorari and the petitioner seeks setting aside/quashing of order dated 12.12.2012 (Annexure P-6) whereby releasing of retiral benefits to the petitioner was declined; Annexure P-8 vide which the department decided to hold an inquiry against the petitioner and order dated 12.12.2012 (Annexure P-7) vide which the petitioner was served charge-sheet under Rule 8 of Punjab Civil Services (Punishment and Appeal) Rules, 1970.

Learned counsel for the petitioner contends that the petitioner was inducted as Sub-Inspector and had honourably retired from the service on 31.01.2011 after having rendered service of 37 years to the department from the post of Assistant Food and Supplies Officer. However, the regular

pension has not been released to the petitioner despite issuance of No Due Certificate from the department. The petitioner is being paid only provisional pension without any adverse order against him. The impugned orders are bad in law. In support of his assertions, learned counsel for the petitioner has placed reliance on the judgments passed by this Court in CWP-12974-2012, titled as **“Tarsem Gujral Vs. Punjab State Civil supplied corporation Ltd. and another”** decided on 05.05.2015; RSA-2768-1997, titled as **“Punjab State Vs. Ratan Singh”**, 2000(4)S.C.T.155; CWP-12654-1990, titled as **“K.N.Datt Vs. State of Haryana and others”** 1991 (1) SLR 223; CWP-18451-2004, titled as **“Dr.Inderjit Singh Wasu Vs. State of Punjab and others”**, 2007 (3) S.C.T.788; SLP (Civil)-29589-2009, titled as **“Punjab State Power Corporation Ltd.Patiala and others Vs. Atma Singh Grewal”** decided on 17.09.2013; CWP-10456-2007, titled as **“Raghubir Singh Vs. Punjab State Warehousing Corporation and another”** decided on 11.09.2008; CWP-11495-2009, titled as **“S.S.Julka Vs. Punjab State Warehousing Corporation and another”** decided on 08.04.2015; CWP-13613-2000, titled as **“L.B Gupta Vs. Punjab State Electricity Board, Patiala”**, 2002(1)S.C.T.285; CWP-564-1989, titled as **“Surendra Mohan Pandit Vs. The Government of Punjab and another”**, 1991 (2) S.C.T.321 and CWP-5141-2014, titled as **“Satpal Singh Sidhu Vs. Punjab State Power Corporation Ltd. and others”**, 2016 (2) S.C.T.130.

On the other hand, learned State counsel contends that it is not in dispute that the petitioner had retired on 31.01.2011, however, while the

petitioner was posted as Inspector Grade-I-cum-Inspector Incharge at P.R.Centre, Guruharsahai, wheat was got stored by the petitioner under his supervision alongwith other Inspectors in different plinths pertaining to crop year 2008-2009, but the same was not properly maintained and cared by him and due to the negligence of the petitioner for not covering the wheat stocks well in time during rainfall, the stocks of wheat for the crop year 2008-2009 had damaged 52172 bags of wheat. The maintenance of that stock was the sole responsibility of the petitioner, but he failed to maintain the same, as a result of which, the Government suffered a huge financial loss to the tune of ₹5,18,92,502/- on account of sole negligence on the part of petitioner and the same is recoverable from the petitioner.

Thereafter, orders dated 12.12.2012 (Annexures P-6 and P-7) were issued against the petitioner and charge sheet has also been issued to him. A regular departmental inquiry is pending against the petitioner. During the pendency of the regular departmental inquiry, the department has stopped the regular pension.

I have heard learned counsel for the parties and have gone through the case file.

Keeping in view the fact that the inquiry is pending against the petitioner for the acts/misconduct done by him while he was in service, this Court feels that no wrong has been done in withholding the regular pension and in releasing the provisional pension alone to the petitioner. The ratio of law laid down in the reported cases is distinguishable on facts of the instant case. The inquiry is being conducted as per the Rules, therefore, this Court

finds no reason to interfere in the matter by invoking its writ jurisdiction.

Consequently, the present petition is dismissed.

(JITENDRA CHAUHAN)
JUDGE

28.08.2018
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No