

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.29733 OF 2017
DECIDED ON: OCTOBER 05, 2018

HARBANS LAL BANSAL

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. C.M. Chopra, Advocate,
for the petitioner.

Ms. Rukhsaar Dhindsa, AAG, Punjab.

JASPAL SINGH, J.

Through instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ particularly in the nature of certiorari for quashing order dated 29.05.2014 (P-9), vide which, his pension has been stopped as well as for issuance of a writ in the nature of mandamus to restore his pension and to release the gratuity, leave encashment, commutation of pension and other dues along with arrears and interest in view of judgments (P-12) and (P-19).

2. At the very outset of the arguments, it has been fairly conceded by learned State Counsel that though controversy involved in the instant petition stands covered by the judgment rendered by this Court in case ***CWP No.20182 of 2016 (O&M)***, captioned as ***“Om Parkash Verma v. State of Punjab and***

others”, decided on 03.08.2017 but the respondents have preferred an appeal by way of Letter Patents Appeal challenging the aforesaid judgment, which is now pending before the Division Bench. The benefits accrued to the petitioner in the aforesaid judgment though have been released/disbursed to the petitioner but upon an undertaking given by the petitioner in the said case to repay the amounts so received in the event of acceptance of LPA or in accordance with the orders passed therein.

3. Undoubtedly, there is no stay with regard to the operation of the judgment rendered in **Om Parkash Verma's** case (supra). The said judgment is based upon the judgment of the Division Bench passed in **CWP No.16998 of 2003, “Ranjit Singh Punia v. Punjab State Electricity Board and others, 2005(2) SCT 557**. Since, the controversy already stands settled by this Court, mere pendency of appeal is not suffice to decline the similar relief to the present petitioner. However, in case, either of the parties is aggrieved against the order passed in the instant petition, it can avail the remedies provided under the law. Thus, the case of the petitioner stands fully covered within the parameters laid down in **Om Parkash Verma's** case (supra).

4. Accordingly, instant petition is allowed and impugned order dated 29.05.2014 (P-9) is set aside. The respondents are directed to make the payment of all the retiral benefits i.e. gratuity, leave encashment, commutation of pension and arrears along with interest @ 9% per annum till the date it is actually paid, within a period of two months from the date of receipt of certified copy of this judgment. However, respondents shall be at liberty to conduct fresh enquiry if they so desire but any such action taken, shall operate prospectively from the date of passing of the order.

5. As far as other benefit(s) i.e. ACP etc. is/are concerned, petitioner shall be at liberty to move a separate representation to the department for redressal of the grievances, if any left and also can have recourse to the other remedies available under law including to approach this Court.

OCTOBER 05, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes*

Whether reportable *Yes*