

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

Sr. No.128

Civil Writ Petition No.6437 of 2018
DECIDED ON: March 15, 2018

DHARAMVIR SINGH

..PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Virender Kumar, Advocate,
for the petitioner.

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 especially in the nature of Mandamus directing the respondents to release retiral benefits i.e. Gratuity and other retiral benefits along with interest and further directing the respondents to grant 3rd ACP Scale after rendering 24 years of regular service considering the latest ACP, Rules, 2014 for regular service of 8-16-24 years, vide notification dated 04.03.2014 (P-7) and thereafter, refix the pay and pension of the petitioner and arrears of pay fixation along with interest.

2. Learned counsel for the petitioner contends that petitioner joined the Panchayat Department as Gram Sachiv w.e.f. 19.02.1988. During his service, petitioner was issued a charge sheet under Rule 7 of Haryana Civil Services (Punishment & Appeal) Rules, 1987, vide letter No.3076/P dated 20.11.2014 (P-1). Thereafter, petitioner submitted his detailed reply

Civil Writ Petition No.6437 of 2018

to the said charge sheet. On 31.01.2015, petitioner retired from his services after attaining the age of superannuation i.e. 58 years. At the time of retirement of the petitioner, gratuity and other retiral benefits of the petitioner were withheld till the decision of aforesaid charge sheet dated 20.11.2014 (P-1). Vide letter No.1573/R.K. Dated 09.12.2016, petitioner has been exonerated from all the charges leveled against him. But the retiral benefits have not been released to him. He further submits that though a representation was made to the respondent No.3 on 12.02.2018 (P-8) but till date neither any reply to the said representation has been received nor any final order has been passed by the concerned Department. He also submits that he feels satisfied in case a direction is issued to respondent No.2 to decide the aforesaid representation (P-8) within some specified period.

3. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondents No.2-The Director of Panchayat Department, Haryana, Sector 28, Chandigarh to look into the grievances unfolded by the petitioner in the representation dated 12.02.2018 (P-8) and take a conscious decision by passing a speaking order as per rules and instructions issued by the Government from time to time, within a period of four 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.

March 15, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**