

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.8270 OF 2018
DECIDED ON: APRIL 04, 2018

NIRMAL SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Harinder Pal Singh Ishar, Advocate,
for the petitioner.

JASPAL SINGH, J. (Oral)

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, the petitioner has sought issuance of a writ particularly in the nature of mandamus directing respondent No.1 to decide statutory appeal of the petitioner dated 22.02.2016 (Annexure P-8) expeditiously in accordance with law and to release the retiral benefits as well as subsistence allowance along with interest @ 18%.

2. The contention of learned counsel for the petitioner is that the petitioner compulsorily retired on 29.08.2008 as Conductor from State Transport Department Punjab. Vide order dated 18.01.2016 (P-7) Director State Transport, Punjab imposed penalty by way of 1/2% cut in pension of petitioner while disposing of regular departmental inquiry.

3. Being aggrieved against the aforesaid order dated 18.01.2016,

petitioner preferred statutory appeal before Secretary Transport Department Punjab Civil Secretariat, Chandigarh dated 22.02.2016 (P-8) which is still pending disposal.

4. From the perusal of various documents available on file as well as contention put forth by learned counsel for the petitioner, it becomes evident that an appeal was preferred by the petitioner before the Secretary Transport Department Punjab, Chandigarh, assailing the order dated 18.01.2016 passed by Director State Transport whereby penalty of 1/2% cut in his pension was imposed. Despite the fact that a period of more than two years has elapsed, said appeal has not been dealt with and disposed of.

5. Learned counsel for the petitioner submits that petitioner feels satisfied, in case, direction is issued to respondent No.1 to dispose of the said appeal on merits within some stipulated period.

6. Considering the aforesaid aspects but without expressing any opinion on merits, instant petition is disposed of with the direction to respondent No.1- Secretary, Transport Department, Punjab Civil Secretariat, Chandigarh to decide the aforesaid appeal dated 22.02.2016 preferred by the petitioner challenging imposition of penalty of 1/2% cut in his pension as early as possible but not beyond a period of 4 months from the date of receipt of certified copy of this order, absolutely in accordance with law, that too, after affording opportunity of hearing to the parties.

APRIL 04, 2018
sonika

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned ***Yes***
Whether reportable ***Yes/No***