

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

CWP-11193-2015

Date of decision: - 14.11.2019

Sulakhan Mal

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: - Mr. Rajiv Kataria, Advocate,
for the petitioner.

Ms. Sunint Kaur, Assistant Advocate General, Punjab.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the prayer which is being made by the petitioner is that the pensionary benefits for which the petitioner has become entitled after his retirement on 31.03.2011 be released and further, the petitioner be granted the notional promotion to the post of Assistant Superintendent and the pensionary benefits be calculated by granting the said benefit of promotion alongwith arrears.

Respondents have filed the reply, in which they had stated that pensionary benefits as well as the promotion to the post of Assistant Superintendent with retrospective effect have already been granted to the petitioner and all the arrears, for which the petitioner was found entitled for, have also been released as far back as on 14.12.2015. The relevant

paragraph of the reply is as under: -

“1. That the petitioner was appointed as clerk on dated 03.11.1983 and promoted as senior clerk on 03.11.1988. That the petitioner was posted at central jail Amritsar as a storekeeper and he handed over his charge to Sh. Ved Parkash Senior Clerk on 09.08.1996. After giving the charge, 08 qtl wheat, 181 qtl fire wood and 14 No. of Hard bed pipes were found short. The total cost of short material was Rs.48,916.30. As per orders of Punjab Govt. Department of Home Affairs and Justice (Jails Branch), Chandigarh recovery of Rs.11122.00 (40% of total loss) from Sh. Gurdev Singh Deputy Superintendent and Rs.16683.00 (60% of total loss) from the petitioner.

2. That the petitioner filed a suit against above said order and same was dismissed on 14.06.2003 by the Ld. Court Civil Judge (Senior Division) Amritsar. The petitioner was filed an appeal against order dated 14.06.2003 in the Ld. Court of Additional Sessions Judge, Amritsar and the Ld. Court of Additional Sessions Judge order on 09.03.2004, the defendatns are given the liberty to proceed with the inquiry afresh.

3. As per order dated 09.03.2004 of Ld. Court of Additional Sessions Judge, Amritsar, respondent No.1 appointed an inquiry officer for conducting the fresh enquiry agianst the petitioner. Inquiry Officer submitted his report to respondent No.1, wherein the petitioner was found guilty. The respondent No.1 examined the enquiry report and awarded the punishment of withholding two annual increments with commulative effect and recovery of Rs.16683.00 (60% of total loss).

4. That the petitioner filed a suit against above said order and same was decreed in favour of the petitioner on 27.09.2011 by the Ld. Court Civil Judge Gurdaspur. The department filed an appeal against order dated 27.09.11 in the ld. Court of Additional Sessions Judge Amritsar and the Ld. Court of Sh. R.S. Rai, Additional District Judge Gurdaspur order dated is as under: -

“As a result of my above discussion, this appeal fails and same stands dismissed and dispose of, with no order as to costs, impugned judgment/decreed dated 27.09.2011 stand affirm.”

5. The petitioner was promoted as Assistant Superintendent w.e.f. 30.11.2005 and his pay was fixed and 16 years ACP was also given to him. The arrears of pay and ACP was paid to the petitioner vide cheque

No.125021 dated 14.12.2015 amounting Rs.134572.00.

6. That the retiral benefits i.e. payment of GPF, GIS, and leave encashment has been already paid to the petitioner and anticipatory pension is also being paid to him. The respondent No.3 issued letter at different dates i.e. 18.03.2011, 18.11.11, 26.07.14, 15.09.14, 03.09.15, 06.10.15, 10.05.16 and 28.06.2016 to petitioner, but he had not come to the office of defendant No.3 to put his signature on pension papers. The copies of letter dated 18.03.2011, 18.11.11, 26.07.14, 15.09.14, 03.09.15, 06.10.15, 10.05.16 and 28.06.2016 are annexed as annexures R-1 to R-8. Thus there is no fault of the answering respondent in delay in preparing the pension of the petitioner.”

Counsel for the petitioner states that though all the benefits, for which the petitioner was entitled for, have been released to him, but petitioner be given liberty to approach the respondents in case any of the benefit has not been given to him by filing an appropriate representation in this regard.

Counsel for the respondents states that in case any such representation is received from the petitioner, the same will be decided within a period of three months by passing an appropriate speaking order.

In view of the above, counsel for the petitioner does not want to press the present writ petition any further and request that the same may be disposed of as such.

Ordered accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

November 14, 2019
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No