

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

CWP-17777 of 2013

Date of decision: 02.09.2019

Darshan Singh Sahi

.... Petitioner

versus

State of Punjab and others

.... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mukand Gupta, Advocate
for the petitioner.

Ms. Sunint Kaur, Addl. A.G, Punjab.

HARSIMRAN SINGH SETHI, J.

The grievance which is being raised in the present writ petition is that the petitioner has already retired from service on attaining the age of superannuation but all the retiral benefits, for which the petitioner is entitled after his superannuation have not been released to him. A direction has been sought to the respondents for releasing the pensionary benefits of the petitioner. It is further submitted that even the arrears of the Assured Career Progression Scheme as well as reimbursement of medical bills, which were duly sanctioned and approved, were not released by the respondents, despite the directions issued to the respondents for releasing the same.

Upon notice of motion, respondents have filed reply and in the reply, the respondents have stated that after the retirement of the petitioner, a charge sheet was served upon him on 15.07.2013 and keeping in view the pendency of those proceedings, 100% provisional pension is being granted

to the petitioner from the date of his retirement and the remaining benefits have already been released except the gratuity. As per the respondents, the release of the regular pension, as being prayed for in the present writ petition, will be considered after the culmination of the departmental proceedings.

Though, the details of only one charge sheet was given in the reply filed by the respondents but in subsequent affidavit filed by the respondents on 14.09.2018, it has been stated that there are three charge sheets dated 15.07.2013, 31.10. 2013 and 30.07.2014 pending against the petitioner.

Counsel for the petitioner states that in respect of the charge sheet dated 15.07.2013, a punishment was imposed upon the petitioner imposing 7% cut on the monthly pension of the petitioner. Against the said order, the petitioner preferred an appeal before the Appellate Authority and the Appellate authority passed an order on 21.06.2019, whereby, it has been proposed that whatever recoveries have already been done in pursuance of the order of punishment imposing 7% cut is upheld and no further recovery is to be made from the pension of the petitioner. The said order has been sent to Punjab Public Service Commission on 10.07.2019 and the same is still pending consideration with the Commission for passing an appropriate orders. With regard to the other two charge sheets dated 31.10.2013 and 30.07.2014, initially respondents have decided to have *de novo* inquiry after the enquiry officer held that no charge is proved, which action was challenged by the petitioner by filing CWP-12093 of 2018, in which an interim order was passed in favour of the petitioner and ultimately vide

order dated 12.03.2019, these charge sheets have been dropped.

Learned counsel for the petitioner states that, as of now, there is no impediment in the release of the pensionary benefits of the petitioner which have been withheld by the respondents, such as gratuity and also the release of regular pension, instead of the provisional pension, which is being granted to the petitioner even as of now.

Learned counsel for the respondents very fairly states that as all the proceedings, which were initiated against the petitioner in respect of the three charge sheets have come to an end, hence, the respondents shall pass an appropriate orders with regard to the grant of pensionary benefits, such a gratuity and release of regular pension of the petitioner within a period of three months from today

In case, after passing of the appropriate order, it is found by the respondents that there is no impediment in the release of the benefits as being asked for i.e. payment of gratuity and regularisation of pension, the same will be done.

Counsel for the petitioner states that as the petitioner had retired in the year 2012 but the benefits of gratuity is yet to be released to him, therefore, the petitioner is entitled for grant of interest on the same, for which the petitioner be given liberty to approach the respondents by filing a representation in this regard.

Counsel for the respondent very fairly states that in case representation, for the grant of interest on delayed payment or any other benefits, is filed by the petitioner, the same will be considered by the respondents in accordance with law by passing an appropriate order thereon.

Counsel for the petitioner submits that keeping in view the above, the present writ petition has become infructuous and may be disposed of having been not pressed.

The present petition stands disposed of as not pressed.

(HARSIMRAN SINGH SETHI)
JUDGE

02.09.2019
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| 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable? | Yes/No |