

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 16441 of 2016
Date of Decision : 10.05.2019

Baresh Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. B.S. Mittal, Advocate for the petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

Mr. Anil Kumar Sharma, Advocate for respondent No. 3.

Harsimran Singh Sethi, J.(Oral)

In the present case, claim of the petitioner is for the payment of leave encashment after he has superannuated on 31.10.2015.

As per the averments made in the writ petition, after the retirement of the petitioner the gratuity and other benefits have been released to the petitioner but the total amount of leave encashment, for which the petitioner was entitled, has not been released and the petitioner is praying in the present writ petition for issuance of the appropriate direction to the respondents to release the same.

Upon notice of motion, respondents have filed the reply. In the reply filed on behalf of respondent No. 3-Nagar Panchayat, Bhikhi, District Mansa, respondents have stated that there is a departmental enquiry which

is pending against the petitioner. The said charge-sheet was issued to the petitioner after the retirement on 30.03.2016 and even the Enquiry Officer has already been appointed. Learned counsel for the respondents states that Enquiry Officer has also submitted the enquiry report and the same will be decided in accordance with law at the earliest.

Learned counsel for the petitioner on the other hand states that more than three years have elapsed since the charge-sheet was issued to the petitioner but the said enquiry has not been finalized till date, which act is causing prejudice to the petitioner as a portion of the leave encashment is being withheld by the respondents. Learned counsel for the petitioner prays that petitioner will be satisfied in case respondents are time bound to finalize the enquiry proceedings so that at least, the situation will be clear with regard to the release of the leave encashment which is being claimed by the petitioner in the present writ petition.

Learned counsel for respondent No. 3 states that as the charge-sheet has been issued by the State, the same is to be finalized by the State only.

Once, it is clear that more than three years have elapsed since the issuance of the charge-sheet and a portion of the pensionary benefits are being withheld due to the pendency of the said charge-sheet, respondent No. 1 is directed to finalize the said proceedings within a period of four months from the receipt of certified copy of this order.

The petitioner shall cooperate in finalizing the enquiry proceedings within the above said period. In case any difficulty is felt by the respondents in finalizing the enquiry in the given timeframe, on account

of non-participation of petitioner, the respondents be at liberty to approach this Court, if need so arises.

Writ petition stands disposed of in above terms.

May 10, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No