

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 18742 of 2019
Date of decision : 13.11.2019

Pawanjeet Rohilla

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- None for the petitioner.

Ms. Nidhi Garg, Assistant Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

The grievance which is being raised by the petitioner in the present writ petition is that some of his retiral benefits have been withheld by the respondent-department due to pendency of the charge-sheet dated 25.01.2018. While issuing notice of motion on 12.07.2019, following order was passed :-

“In the present writ petition, the grievance which is being raised by the petitioner is that though the petitioner has retired but the benefit for which he was entitled for on his retirement have been withheld due to the pendency of the charge-sheet dated 25.01.2018.

Learned counsel for the petitioner argues that the disciplinary proceedings are not being decided by the respondents, which is causing great prejudice to the petitioner

as the benefits for which the petitioner is entitled for on his retirement, have been withheld.

Notice of motion for 07.08.2019.

On asking of the Court, Ms. Nidhi Garg, AAG, Haryana, who is present in the Court, accepts notice on behalf of the respondents. Counsel for the petitioner is directed to hand over the copy of the paper book to the State counsel, during the course of the day.

Learned counsel for the respondents seeks an adjournment so as to seek instructions from the respondents as by what date, the disciplinary proceedings which are pending against the petitioner, in respect of the charge sheet dated 25.01.2018 will be completed by the respondents.

Let an affidavit in this regard be filed before the next date of hearing positively.

To come up on the date fixed i.e. 07.08.2019.”

Today, an affidavit has been filed on behalf of the respondents that the enquiry proceedings in respect of the charge-sheet dated 25.01.2018 will be completed within a period of six months. The relevant portion of the affidavit is as under:-

“2. That the Hon'ble Court vide order dated 12.07.2019 sought information from the respondents as by what date, the disciplinary proceedings which are pending against the petitioner, in respect of the charge-sheet dated 25.01.2018 will be completed by the respondents.

3. That in response to the direction dated 12.07.2019, it is brought to kind notice of Hon'ble Court that the competent authority has decided to appoint Sh. V.P. Batra, IAS (Retd.) as Inquiry Officer to hold departmental inquiry against Sh. Pawanjit Rohilla, Sub Divisional Officer issued vide No. 6/73/2017-2IE, dated 27.08.2019 (Annexure R-1) and further directed to complete the inquiry within six months.”

Keeping in view the affidavit filed, the respondents are directed to complete the process of finalization of the enquiry proceedings in respect of the charge-sheet dated 25.01.2018 within a period of six months from today.

Petitioner shall cooperate with the respondents so as to complete the enquiry proceedings within the above fixed period of six months as undertaken by the respondents. After the enquiry proceedings are over, appropriate order will be passed by the respondents with regard to the release of the pensionary benefits such as gratuity and commutation of pension, which have been withheld by the respondents due to the pendency of the charge-sheet.

In case, there is no other impediment in the release of the retiral benefits, the respondents will release the same to the petitioner within a period of one month after the completion of the enquiry proceedings.

Writ petition stands disposed of in above terms.

November 13, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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