

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP No. 1859 of 2016

Date of Decision : 01.02.2019

Jaswinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present: Mr. Amrik Singh, Advocate for the petitioner.

Ms. Deepali Puri Sandhu, Addl. Advocate General, Punjab.

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**Harsimran Singh Sethi, J.(Oral)**

The present writ petition has been filed seeking release of the pensionary benefits which includes pension, General Provident Fund and Gratuity etc.

As per the averments made in the writ petition, the petitioner superannuated on 30.04.2015 and before the petitioner was to superannuate, a charge-sheet was issued in December, 2014. It has been contended that though amount of General Provident Fund was sanctioned but no payment was made and even the other benefits were not released to the petitioner due to pendency of the charge-sheet dated 16.12.2014 (Annexure P-2).

Upon notice of motion, the respondents have filed the reply. On the last date of hearing, a statement was made on behalf of the respondents that the State has decided to release the benefits to the petitioner and in this regard, an order has already been passed on 26.12.2018. The respondents were asked to file an affidavit with regard to

release of the benefits.

Today, a short additional affidavit of Hardeep Singh Mendiratta, Executive Engineer, Discharge Division (Water Resources Department, Punjab) Water Resources Bhawan, S.A.S. Nagar has been filed, wherein, it has been mentioned that all the benefits have already been released to the petitioner except DCRG. The said benefit of DCRG has also been released to the petitioner on 26.12.2018 and pension case of the petitioner has already been sent to the Accountant General, Punjab. Further, approval for releasing ₹10 lacs as DCRG has already been sent to the Treasury Office for the disbursement of the same to the petitioner. It has further been mentioned that the District Treasury Officer Mohali shall release the amount shortly. The relevant portion of the affidavit filed in Court today is as under :-

- “2. That the petitioner Jaswinder Singh retired from his service on 30.04.2015 after availing 1 year of extension in his service.
3. That a vigilance inquiry and an F.I.R. was pending against the petitioner. Now vigilance inquiry as well as the F.I.R. against him has been quashed.
4. That the petitioner is being paid full provisional pension. All the payable dues have been paid to him except DCRG, which was held by the Government due to the vigilance inquiry and F.I.R. against the petitioner.
5. That after getting permission from the Government of Punjab vide memo no. 24/25/2016-6 Irr. Pro (1)/1380808/1 dated Chandigarh: 26.12.2018 to release the DCRG to the petitioner, pension case was sent to the office of the respondent no. 4, Accountant General (A&E), Punjab, Sector 17, Chandigarh vide Chief Engineer/Canals, Water Resources Department, Punjab,

*Chandigarh letter no. 73-75/5 pension dated 03.01.2019.*

6. *That respondent no. 4 Accountant General (A&E), Punjab, Chandigarh has approved the DCRG amounting to ₹10 lacs vide letter no. PEN-07/2181658250/2018-19/PE/19/10/80167823 dated 24.01.2019 and sent it to the District Treasury Officer, Mohali to draw and disburse it to the petitioner.*
7. *That the pending payment of the DCRG will be made to the petitioner by the District Treasury Officer, Mohali shortly.”*

In view of the above, grievance of the petitioner stands satisfied.

Learned counsel for the petitioner states that the respondents may be bound to release the said amount in a time bound manner.

Direction is issued to the District Treasury Officer, Mohali to release the payment to the petitioner in case everything is found as per rules within a period of one month from the date of receipt of copy of this order in case the same has already not been released.

Learned counsel for the petitioner states that as the petitioner retired in April, 2015 and the payments have only been released to the petitioner starting from one year to three and half years after the retirement, hence the petitioner is entitled for interest and the petitioner be given liberty to raise this plea before the respondents by filing appropriate representation.

The liberty is granted to the petitioner to file representation with the respondents claiming the interest on the delayed release of the payments. In case any such representation is filed, the same shall be disposed of within a period of three months from the date of receipt of the same by passing appropriate speaking order.

The writ petition stands disposed of in above terms.

February 01, 2019  
*kanchan*

(HARSIMRAN SINGH SETHI)  
JUDGE

*Whether speaking/reasoned?*    *Yes*  
*Whether reportable?*            *Yes*