

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 14483 of 2018
Date of Decision : 29.05.2019

Vije Pal Singh Mann

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present: Mr. Amarjit Singh Bedi, Advocate for the petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the grievance of the petitioner is that the pensionary benefits for which he is entitled for after his retirement, have not been released and a direction is being sought by the petitioner to the respondents that the commutation of pension, gratuity and the regular pension be released to him.

As per the facts stated in the writ petition, petitioner retired from the respondent-department as an Executive Engineer on 30.11.2017. At the time when the petitioner retired, there were two FIRs pending against the petitioner being FIR No. 126 of 2003, dated 17.06.2003 registered at Sri Muktsar Sahib and FIR No. 7 of 2017, dated 24.06.2017, which was registered at Ferozepur. In respect of FIR No. 126 of 2003, dated 17.06.2003, all the accused including the petitioner were acquitted on 14.03.2018 i.e. after his retirement and in case of FIR No. 7 of 2017, dated

24.06.2017, no challan was put up till the day of petitioner's retirement.

It is the assertion of the petitioner that even as of now, no challan has been put up and, therefore, there is no impediment in the release of the pensionary benefits of the petitioner. Learned counsel for the petitioner argues that only the provisional pension, provident fund and the leave encashment have been released, whereas his gratuity, commutation of pension and the regular pension are still to be released by the respondents.

Upon notice of motion, respondents have filed the reply in Court today and the same is taken on record. In the reply, stand of the respondents is that FIR No. 7 dated 24.06.2017 is still pending and, therefore, till 'No Due Certificate' is issued by the State Vigilance, DCRG and commutation of pension cannot be released to the petitioner.

According to learned counsel for the petitioner, there are no charges, which have been framed in respect of FIR No. 7 dated 24.06.2017. Further, learned counsel for the petitioner argues that let the respondents pass appropriate orders after ascertaining the facts in respect of FIR No. 7 dated 24.06.2017 as to whether the challan has been put up or not?

Learned counsel for the respondents states that the matter will be re-considered keeping in view the existing facts and after re-considering, an appropriate order will be passed as to whether the benefits for which the present writ petition is filed, are liable to be released or not? He seeks two months time to pass the said order.

Learned counsel for the petitioner has no objection in case a speaking order is passed by the respondents on the claim of the petitioner.

Keeping in view the above, a direction is issued to the respondents to pass appropriate orders in respect of the release of the

regular pension, DCRG and commutation of pension, which are being withheld by the respondents after retirement of the petitioner.

Let appropriate speaking order be passed in respect of the claim of the petitioner for the release of the regular pension, commutation of pension and the gratuity within a period of two months from today and in case after the passing of the order, it is found that petitioner is entitled for release of the benefit, the same shall also be released to him within a period of two months thereafter.

Writ petition stands disposed of in above terms.

May 29, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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