

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14789 of 2018
Date of Decision: 26.08.2019

Hermaha Dev Mehta

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. RK Arora, Advocate for the petitioner

Ms. Jasleen Kaur Sidhu, AAG Punjab

Mr. Yaseen Sethi, Advocate for
Mr. HS Jakhal, Advocate for respondent No.4

G.S. SANDHAWALIA, J. (Oral)

(1) The petitioner seeks release of the Gratuity amount which has been withheld on account of pendency of the charge-sheet dated 18.02.2015 (P4) which had been issued to him after attaining the age of superannuation which was on 31.08.2014 from the post of Superintending Engineer.

(2) The defence of the respondents is that on account of departmental proceedings, the amount of Gratuity had been withheld and a final order dated 08.07.2019 (R1) has been passed whereby 10% cut on his pension has been imposed.

(3) A perusal of the reply filed by respondents No.1&2 would show that respondent No.1 was to issue the no objection certificate in favour of the petitioner for releasing the amount of Gratuity and regular pension to the Regional Deputy Director, Local Government, Ludhiana - respondent No.3 but did not do so on account of the fact of pending proceedings on the departmental side. Similar is the stance of respondent No.4 that on account of the pending enquiry the Gratuity has not been released. Similarly,

respondent No.3 has also averred that 100% provisional pension was sanctioned on 12.01.2016 (R1).

(4) In such circumstances once the proceedings have come to an end as such necessary NOC has to be issued and the Gratuity has to be released in favour of the petitioner. Resultantly, NOC be issued and the regular pension be finalised as per the punishment order and released thereafter along with Gratuity. Let the needful be done within 2 months from the date of receipt of certified copy of this order.

(5) It is made clear that this Court has not taken decision on the issue of delay or on merits regarding the element of interest which the petitioner may be entitled to, if any, on account of delay which was on the ground of pending departmental proceedings. Similarly, if the petitioner wishes to challenge the order of 10% cut in pension this Court also does not comment upon the same and liberty is given to him to accordingly pursue his remedies in accordance with law.

(6) The writ petition stands disposed of accordingly.

26.08.2019

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(G.S. Sandhawalia)
Judge

1. Whether speaking/reasoned?

Yes/No

2. Whether reportable?

Yes/No