

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

(242)

CWP-24950-2016

Date of Decision: October 14, 2019

Maninderjit Singh

.. Petitioner

Versus

State of Punjab and others

.. Respondents

(2)

CWP-3904-2018

Paramjit Singh Dhot

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Bikramjit Aroura, Advocate,
for the petitioner (s) (in both the writ petitions).

Mr. H.S. Sitta, Assistant Advocate General, Punjab.

Mr. Vishal Gupta, Advocate,
for respondents No. 2 to 6 (in CWP No.24950 of 2016).

Mr. Pulkit Jain, Advocate, for
Mr. Sahil Sharma, Advocate, for respondents-PSPCL
(in CWP No.3904 of 2018).

HARSIMRAN SINGH SETHI, J.(ORAL)

By this order of mine, two writ petitions, details of which have been given in the heading, are being disposed of as both the writ petitions involve the same question of law and similar facts. For the sake of convenience, the facts are being extracted from CWP No.24950 of 2016.

In the present writ petitions, the grievance which is being raised by the petitioners is that the petitioners have already retired from service but all the pensionary benefits for which, they are entitled, have not been released and the prayer of the petitioners is that a direction be issued to the respondents to release the gratuity and commuted value of pension as well as petitioners be granted the regular pension instead of provisional pension.

As per the facts stated in the writ petition, the petitioner joined the Punjab State Electricity Board (hereinafter referred as 'Corporation') as a Lineman on adhoc basis and thereafter, service of the petitioner was regularized as a Lineman on 28.05.1979. Petitioner was further promoted as Junior Engineer on 18.11.1985 and thereafter to the post of Assistant Engineer on 16.09.1991. Petitioner was further promoted as Assistant Executive Engineer on 27.12.1999 and further promoted as Senior Executive Engineer on 03.04.2007. While the petitioner was working as Senior Executive Engineer, the said post was redesignated as Additional Superintending Engineer and ultimately, petitioner retired from said post on attaining the age of superannuation on 30.04.2016. While the petitioner was in service, a charge-sheet was served upon him on 26.03.2014. The said charge-sheet remained pending on the day when the petitioner retired. In the charge-sheet, the allegation was that the Corporation had suffered financial loss of Rs.31,56,182/- and 20% of the amount is to be recovered from the petitioner as joint disciplinary proceedings were initiated against the petitioner and other employees for the said allegations.

Learned counsel for the petitioner argues that a period of more than five and half years have elapsed but the respondents have not finalized the said enquiry proceedings, which is causing prejudice to the petitioner as the petitioner's gratuity has been withheld and he has also not been paid commuted value of pension and further only 90% of the provisional pension is being paid. Learned counsel for the petitioner further argues that due to the inaction of the respondents in not finalizing the enquiry proceedings, petitioner is suffering irreparable loss as petitioner is not able to enjoy the pensionary benefits despite being retired more than 3 years ago.

Learned counsel for the respondents, on the other hand, argues that a joint enquiry was being conducted against large number of employees due to which, enquiry could not be finalized despite the fact that five and a half years have elapsed since the issuance of the charge-sheet.

Learned counsel for the respondents informs this Court that report of the enquiry officer is already available and the final decision will be taken by the competent authority at the earliest. Learned counsel for the respondents states that keeping in view the decision to be taken in the disciplinary proceedings, the retiral benefits of the petitioner, which have been withheld, appropriate order will be passed in respect of those withheld benefits. Learned counsel for the respondents states that enquiry proceedings will be finalized within a period of six months and after finalization of the enquiry, whatever the petitioner(s) are found entitled for, will be released immediately within a period of two months thereafter.

Learned counsel for the respondents prays that petitioners be directed to cooperate in finalization of the enquiry proceedings within above fixed time frame.

Learned counsel for the petitioner states that all the cooperation required for finalization of the enquiry at the earliest will be extended to the Corporation by the petitioner.

Keeping in view the above, both the writ petitions are disposed of with a direction to the respondents-Corporation to finalize the enquiry proceedings in respect of the charge-sheet dated 26.03.2014, due to which the pensionary benefits of the petitioners in both the writ petitions, have been withheld, within a period of six months from the date of receipt of copy of this order. After finalization of the enquiry proceedings, whatever,

the petitioners are found entitled for, if not already released, be released to the petitioners within a period of two months thereafter.

In case, the petitioners are exonerated of the allegations in the charge-sheet, the claim of the petitioners for the grant of interest be also considered by the respondents at the time of the release of withheld pensionary benefits of the petitioners.

Disposed of in above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

October 14, 2019

harsha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No