

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

CWP-3286 of 2016

Date of decision: 17.07.2019

Raj Kumar Bishnoi

.... Petitioner

versus

Haryana State Federation of Consumers
Cooperative Whole Sale Stores Ltd.

.... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Kumar Rana, Advocate
for Mr. Samrat Malik, Advocate
for the petitioner.

Ms. Padamkant Dwivedi, Advocate
for the respondent.

HARSIMRAN SINGH SETHI, J.

In the present writ petition, the claim which is being made by the petitioner is for the release of pensionary benefits, for which the petitioner became entitled on his retirement from service of the respondents. The facts as mentioned in the writ petition are that the petitioner was appointed as Accountant on 16.2.1982 and he continued working as such, when he was retired on 24.7.2015. The grievance of the petitioner in the present writ petition is that the retiral benefits such a leave encashment has not been released to the petitioner, even after an expiry of more than one year, as the writ petition was filed in the year 2016. Petitioner has also prayed for the release of leave travel concession for the period 2012-2015. The petitioner has admitted in the writ

petition that at the time of retirement i.e. 24.7.2015 charge sheets issued on 05.10.2012; 19.09.2013 and 24.09.2015 were pending against him. Counsel for the petitioner argues that the benefits, for which the petitioner is entitled are being withheld only due to pendency of charge sheets and the said charge sheets have not been decided by the respondents for the last more than six years and no justification has been given for keeping the charge sheets pending even after lapse of six years. Counsel for the petitioner prays that an appropriate direction needs to be issued to the respondents to decide the charge sheets pending against the petitioner in a time bound manner so that the benefits, if any, for which the petitioner is found entitled at the conclusion of the said charge sheets be released to the petitioner.

Counsel for the respondents states that there were six charge sheets pending against the petitioner at the time of his retirement. Details of charge sheets is as under:-

1. Charge sheet No.9724-25 dated 05.10.2012. Show cause notice for recovery of Rs.6,22,836/- issued to him vide No.4813-14 dated 27.07.2015 and personal hearing was given to him on 09.02.2017.
2. Charge sheet No.12291-94 dated 03.12.2012. Charge sheeted on account of less gain for Rs.47,082/-.
3. Charge sheet No.7822-23 dated 19.09.2013. Show cause notice for recovery of Rs.3,78,655/- issued to him vide No.7010-11 dated 14.09.2015.
4. Charge sheet No.7824-25 dated 19.09.2013. Show cause notice for recovery of Rs.90,991/- issued to him vide No.12620 dated 21.01.2016.
5. Charge sheet No.7052-55 dated 16.09.2014 issued for the loss of Rs.14.04 lacs.
6. Charge sheet No.7726-27 dated 24.09.2015. Show cause notice for recovery of Rs.5,59,270 issued to him.

Counsel for the respondents states that thereafter, another show

cause notice was also issued for recovery of Rs.14,57,167/- on 14.3.2016. Counsel argues that keeping in view the pendency of the charge sheets, the leave encashment cannot be released and after conclusion of the disciplinary proceedings, benefits, if any, for which the petitioner will be found entitled will be released. Counsel for the respondents states that leave travel concession for the period 2012-2015 already stands paid to the petitioner vide order dated 25.7.2016 and, therefore, no further benefit is to be paid to the petitioner on that account.

I have heard learned counsel for the parties and have gone through the records with their able assistance.

Charge sheets are pending since October, 2012 onwards. A substantial period has already been lapsed even after the retirement of the petitioner. No justification has been given by the respondents as to why the charge sheets have been kept pending by them and have not been taken to the logical end. The pendency of the charge sheets is causing prejudice to the petitioner as his retiral benefit has been withheld and there is no valid justification with the respondents to keep the charge sheets pending.

Faced with this situation, learned counsel for the respondents states that the charge sheets which are pending against the petitioner, will be taken to the logical end within a period of seven months from today. He further undertakes that, in case after the conclusion of the proceedings, any amount is found due to the petitioner, the same will also be released to the petitioner within a period of one month thereafter.

Counsel for the petitioner states that keeping in view the undertaking given by the respondents as recorded above, the petitioner does not want to press the present petition any further and the same be disposed of as such.

In view of the above, the present writ petition stands disposed of as having been not pressed.

17.07.2019
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

1.

Whether speaking/non-speaking?

Yes/No
2.

Whether reportable?

Yes/No