

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.8416 of 2017 (O&M)
DATE OF DECISION:02.09.2019

Dr. Yash Paul

... Petitioner

Versus

State of Punjab and others

... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. V.K. Shukla, Advocate
for the petitioner.

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

HARSIMRAN SINGH SETHI, J. (ORAL)

C.M.No.10069-CWP of 2019

The present application has been filed to place on record replication to the written statement filed on behalf of respondents No.1 to 3 and granting exemption from filing certified copies of Annexues P-12 to P-16.

Application is allowed.

Replication is taken on record.

CWP No.8416 of 2017

In the present writ petition, the claim raised by the counsel for the petitioner is that the petitioner was entitled for the benefits of gratuity and commutation of pension after retirement on attaining the age of superannuation plus two years extension, on

chargesheet, are liable to be released.

Learned counsel for the petitioner argues that though nothing was pending against the petitioner at the time when he retired from service after availing two years extension on 30.04.2016 but his gratuity and commutation of pension were not released due to a chargesheet dated 20.10.2016 (Annexure P-6), which was issued against the petitioner after his retirement.

The prayer of the petitioner in the present writ petition is for issuance of a direction to the respondents to release all the pensionary benefits including the arrears of pay on account of dearness allowance.

Counsel for the petitioner states that during the pendency of the writ petition, the chargesheet dated 20.10.2016 stands decided and vide order dated 15.02.2019 a punishment of cut of 3% in pension has been imposed upon the petitioner.

Counsel for the petitioner argues that now once the proceedings in respect of chargesheet dated 20.10.2016 are concluded and now there is no impediment in the release of the pensionary benefits and other amounts, for which the petitioner is entitled for in respect of the service rendered by the petitioner with the respondents, a direction needs to be issued to the respondents to release the same in a time bound manner.

Counsel for the respondents states that keeping in view the order dated 15.02.2019 (Annexure P-12) attached by the petitioner along with his replication, once the chargesheet dated

entitled for in respect of the service rendered by him including the benefit of gratuity and commutation of pension will be released within a period of three months from the date of receipt of a certified copy of this order, in case there is no other impediment for the release of the same.

Counsel for the respondents states that in case there is any impediment in the release of the same, the petitioner will be informed accordingly immediately upon the receipt of a certified copy of this order.

Keeping in view the above, the present writ petition stands disposed of with a direction to the respondents to release all the benefits including the pensionary benefits, which were withheld by the respondents keeping in view the chargesheet dated 20.10.2016 within a period of three months from the date of receipt of a certified copy of this order in case the same have not already released, if there is no other impediment in the release of the same.

The present writ petition stands disposed of.

September 02, 2019
jt

(HARSIMRAN SINGH SETHI)
JUDGE

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