

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

**CWP No.5004 of 2020 (O&M)
Date of decision : February 25, 2020**

Pawan Kumar

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. H.C. Arora, Advocate for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

The grievance which is being raised in the present writ petition is that on the day when the petitioner retired from service on attaining the age of superannuation i.e. 31.05.2019, a charge-sheet dated 31.05.2018 was pending against him, due to which certain pensionary benefits of the petitioner have been withheld .

Learned counsel for the petitioner further states that the Enquiry Officer has already given a report on 06.07.2019 and the petitioner has already filed his response to the said Enquiry Report on 23.07.2019 but no final order, finalizing the enquiry proceedings have been passed by the competent authority so far.

Learned counsel for the petitioner argues that non-finalization of the enquiry is causing prejudice to the petitioner as pensionary benefits of the petitioner have been withheld due the pendency of the charge-sheet and therefore, the respondents are liable to be directed to finalize the said enquiry in a time bound manner by passing appropriate order.

Notice of motion.

Mr. Navdeep Chhabra, DAG, Punjab accepts notice on behalf of the State and states that in case, it is found that the averments made in the present writ petition are correct that the enquiry Officer had already submitted the enquiry report, in respect of the charge-sheet dated 31.05.2018 and the petitioner has already filed his response to the said charge-sheet, the enquiry proceedings will be taken to the logical end by passing appropriate order within a period of one month from the receipt of the certified copy of this order.

Learned counsel for the petitioner prays that the petitioner be directed to co-operate in finalizing the enquiry proceedings, in case, any co-operation is required in finalizing the same. Learned counsel for the petitioner undertakes that all the possible co-operation will be given by the petitioner to finalize the enquiry proceedings within the time framed as undertaken by the learned counsel for the respondents.

Learned counsel for the respondents is given liberty to approach this Court, in case for any legitimate unforeseen reason, the proceedings are not concluded within a period of one month as undertaken by him, by filing appropriate application for the extension of the same.

The present writ petition is disposed of, keeping in view the undertaking given by the learned counsel for the respondents. In case, after deciding of the enquiry proceedings, the petitioner becomes entitled for the benefits including ACP, in respect of the services rendered by him, the same be released to him expeditiously as per rules and regulations.

(HARSIMRAN SINGH SETHI)

JUDGE

February 25, 2020

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No