

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.8336 of 2020

Date of Decision: 19.06.2020

Vinod Kumar

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. SS Sahu, Advocate for the petitioner

Mr. Sukhdeep Parmar, DAG, Haryana

GIRISH AGNIHOTRI, J. (Oral)

(1) Petitioner Vinod Kumar stated to be aged 58 years has filed the present writ petition *inter alia* with a prayer to set aside the order dated 21.03.2020 (P2) and the memo of charges dated 09.04.2020 (P3) issued by the Deputy Commissioner, Fatehabad. Learned counsel for the petitioner submits that in fact the aforementioned orders are against the rules. Counsel submits that there is no allegation leveled against the petitioner causing pecuniary loss. Counsel further goes on to urge that the only deficiency that allegedly is of levy/collection/realization of tax at the time of registration of vehicle.

(2) The petitioner stands already retired/superannuated w.e.f. 30.04.2020. He relies upon the Hon'ble Supreme Court judgment in **Jaswant Singh Gill vs. Bharat Cooking Coal Ltd. & Ors. (2007) 1 SCC 663** as well as the judgment of this Court in **Durgapada Roy vs. Coal Indian Ltd., 2011 (8) SCT 282** to urge that the action of the respondents is totally unwarranted.

(3) Notice of motion.

(4) On the asking, Mr. Sukhdeep Parmar, DAG, Haryana accepts notice through video conferencing.

(5) At this stage, learned counsel for the petitioner further submits that regarding the above contentions, the petitioner has already submitted a detailed reply dated 27.04.2020 (P4).

(6) Without commenting upon the merits of the case, the writ petition is disposed of with a direction to respondent No.3 to examine the reply submitted by the petitioner (P4) in the light of the judgments referred to above. It is further directed that in case the authorities come to a conclusion that petitioner's plea deserves to be accepted, the retiral benefits of the petitioner be released without any further loss of time. If, however, there is any lawful reason not to grant the same, a speaking order be passed within one month from today. This period of 30 days is being given in the peculiar facts and circumstances of the case because it has been stated that the petitioner having retired on 30.04.2020 has not been paid anything towards retiral benefits till date.

(7) Considering the present situation due to COVID-19, learned State counsel and the Registry is directed to send an email to the concerned authority(ies) for necessary compliance.

(8) So ordered.

19.06.2020
Vvishal

(Girish Agnihotri)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No