

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14507-2020(O&M)

Date of decision: 16.12.2020

Tarlochan Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Veneet Sharma, Advocate for the petitioner

Ms. Sunint Kaur, AAG, Punjab

ANIL KSHETARPAL, J. (ORAL)

Through this petition, the petitioner prays for issuance of a writ in the nature of Mandamus directing the respondents to release the pension, arrears of pension, gratuity and other retiral benefits to the petitioner who has superannuated from the service on 31.5.2017 after putting 36 years of service with the Punjab Police.

On 16.9.2020, the following order was passed by this

Court:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

Notice of motion.

Ms. Ambika Bedi, learned AAG, Punjab, accepts notice at the asking of the court.

Adjourned to 16.12.2020.

It is made clear that if the dues claimed by the petitioner are legally found to be due to him, they would be released well before the next date of hearing, alongwith 6% interest, running from the date that they so became due till the date of payment.

If of course, there is any genuine legal reasons due to which any of the benefits cannot be paid to him, such reasons would be given in detail in the written statement to be filed.

It is made clear that sufficient time having been given to file a written statement, it shall be filed at least two weeks prior to the next date of hearing, failing which the Senior

Superintendent of Police, Amritsar (Rural), shall remain present in court by way of video conferencing on 16.12.2020 itself.”

A detailed reply by way of affidavit of Superintendent of Police, Amritsar Rural has been filed in which it has been pointed out that the case of the petitioner has already been forwarded to the Accountant General, Punjab vide letter dated 10.2.2020. The stand taken in para 7 of the reply reads as under:-

“7. That the contents of para No.7 of the present writ petition are wrong and incorrect, hence denied. It is further submitted that factual position has been explained in the Preliminary Submissions and the submissions made therein may kindly be read as part and parcel of para under reply, as the same is not repeated herein for the sake of brevity only. The pension case of the Petitioner has been sent to the Accountant General (A&E), Punjab, Chandigarh vide this office letter No. 43374/A-6 dated 10.9.2020 (copy Annexure R-3) for the sanction of pension and Gratuity. In this regard, after taking legal opinion from Dy. District Attorney, Amritsar NDC/no criminal case pending against the petitioner has also been sent to the office of Accountant General, (A&E), Punjab, Chandigarh vide letter No.49076/A-6 dated 20.10.2020.”

Keeping in view the aforesaid facts, it is considered appropriate to direct the Accountant General, Punjab to decide the claim of the petitioner in accordance with law within a period of one month from the date of receipt of certified copy of this order. If the petitioner is found entitled to some amount, the same shall be released within a period of two months thereafter alongwith interest at the rate of 6% per annum as already ordered on 16.9.2020.

Disposed of.

16.12.2020

rekha

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No

(ANIL KSHETARPAL)
JUDGE