

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

235

CWP-27041-2018

Date of Decision : February 19, 2020

GULWANT SINGH VIRK

.....Petitioner

VERSUS

STATE OF HARYANA & ORS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. K.P.S.Virk, Advocate for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

NIRMALJIT KAUR, J. (Oral)

The prayer in the present petition is to release the retirement benefits including the earned leave, gratuity, GIS and arrears of pension after fixing pension in new pay scale to the petitioner.

Reply has been filed. In the reply, it is admitted that the punishment under Rule 12.2(b) of the Haryana Civil Services (Pension) Rules, 2016 and not under Rule 2.2(b) of the HCS (Pension) Rules, 2016 can only be imposed after the conclusion of the departmental proceedings if the petitioner is found guilty of the charge there under. The petitioner has been held guilty and a punishment of 25% cut in pension for 5 years has been imposed and, therefore, the Principal Accountant General (A&E), Haryana has been requested vide letter dated 10.12.2019 with the request to release the amount of withheld gratuity to the petitioner and with a further request to regularise the pension after imposing cut of 25% for 5 years. Further the amount of cash payment equivalent to leave salary on account of un-utilized 300 days earned has already been sanctioned.

Learned counsel for the petitioner, accordingly, states that the petition be rendered infructuous in view of the written statement.

Dismissed as infructuous.

However, the respondents shall release the benefits as mentioned in the reply forthwith.

February 19, 2020
ajay-1

(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No