

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

119

CWP No.9073 of 2021

Date of decision: 27.04.2021

Hardev Singh

.....Petitioner

versus

State of Punjab and Ors.

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Ms. Ekjot Sandhu, Advocate
for the petitioner.

Ms. Anju Arora, Addl.A.G., Punjab.

*[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court on account of
restrictions due to COVID-19].*

GIRISH AGNIHOTRI, J. (Oral)

Petitioner Hardev Singh, stated to be aged 60 years, has filed the present writ petition *inter alia* with a prayer to direct the respondents to pass legally permissible order on the departmental inquiry findings dated 13.03.2019 and further to release the balance of pay due till the date of retirement and pensionary benefits including gratuity, leave encashment etc., along with interest.

Learned counsel for the petitioner by making reference to the pleadings in the petition, submits that the petitioner was initially appointed as Clerk. It is then submitted that in his entire service, he only once received a chargesheet dated 09.03.2018. The specific pleaded case of the petitioner is that the petitioner retired from the services on 31.05.2019. Learned counsel with emphasis submits, by making reference to para 5 of the

petition that the Inquiry Officer vide enquiry report dated 13.03.2019 has already concluded the enquiry. It is further submitted that the Inquiry Officer has simply observed that the petitioner did not act responsibly and exonerated him of all the other charges. She, therefore, submits that since March, 2019, till date no final order has been passed by the Competent Authority, after the enquiry report. The grievance, therefore, of the petitioner is that because of the delay in passing the final order, the retiral benefits have not been released completely to the petitioner. She further submits that petitioner has got served a legal notice dated 02.07.2019 with same/similar prayer as made in the present writ petition, however, the same has not been decided till date.

At this stage, learned counsel makes a request that respondents be directed to decide the legal notice in a time bound manner.

Notice of motion.

On the asking of Court, Ms. Anju Arora, Addl.A.G., Punjab, accepts notice on behalf of the official respondents-State.

In view of the above and without commenting on the merits of the case, the present petition is disposed of with a direction to respondents/Competent Authority, to consider the legal notice dated 02.07.2019 (Annexure P-2), and decide the same in accordance with law, as expeditiously as possible, preferably within a period of 2 months from the date of receipt of certified copy of this order.

The Competent Authority is also directed to take final decision on the enquiry report dated 13.03.2019 and based on the said decision the

retiral benefits be released in accordance with law within a period of 02 months from the date of passing of the order by the Competent Authority.

Ordered accordingly.

(GIRISH AGNIHOTRI)
JUDGE

27.04.2021
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No