

CWP-8289-2020

2023:PHHC:095302

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

**CWP-8289-2020
DECIDED ON:24.07.2023**

KARAMBIR SINGH

.....PETITIONER

VERSUS

HARYANA SHEHRI VIKAS PRADHIKARAN & ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Viren Nehra, Advocate with
Mr. Sunil K. Nehra, Advocate
for the petitioner.

Mr. Deepak Balyan, Advocate
for respondent Nos.1 to 4.

SANDEEP MOUDGIL, J (ORAL)

The instant writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to release the pensionary benefits of the petitioner along with interest as per the instructions issued by Haryana Government from the date it is due.

Learned counsel for respondent Nos. 1 to 4 submits that he has moved an application and filed it in a Registry for setting aside the order vide which he was proceeded ex parte on 18.01.2023 and his right to file reply was also struck off.

Today, learned counsel for respondent Nos.1 to 4 is present in Court, no application has not yet been listed which was written with certain objections on 20.07.2023.

This Court has been apprised with the fact that the petitioner has retired on 31.12.2019 and just 22 days prior to his retirement, he was served with the suspension order dated 09.12.2019.

It is an admitted fact that in the lis as has been candidly considered by learned counsel for respondent Nos.2 to 4 that the said suspension order has been stayed by this Court in CWP No. 36197 of 2019 and the basis on which a plea has been raised to retain the retiral benefits of the petitioner is qua an FIR pending against him.

On a query faced by this Court, learned counsel for the petitioner drew attention of this Court to the order dated 18.11.2020, which though has been attached to the application by respondent Nos. 2 to 4 which is pending for filing but an advance copy of the same stands furnished to learned counsel for the petitioner.

The aforesaid facts are not disputed by the respondents and in the light of the fact, this Court is duly convinced that withholding of pensionary benefits to the petitioner who retired from services on 31.12.2019 is wholly unjustified and demonstrate high-handedness of the respondent-authority i.e. HSVP. It is evident from the record of this file that this can be the said reason for which written statement has also not been filed in time and despite imposing cost of Rs.5,000/- vide order dated 27.07.2022 and various opportunities to file reply and thereafter finally defence of respondent Nos.2 to 4 was struck off vide order dated 18.01.2023. Even till date, no concrete effort has been made before this Court to raise a defence and rather factum

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with regard to the date of registration of FIR i.e. 18.11.2020 is not disputed that it was got registered after the retirement of petitioner on 31.12.2019, which cannot be the basis for withholding the pensionary benefits in any manner whatsoever, especially in the light of order dated 13.12.2019 passed in CWP No. 36197 of 2019, whereby the suspension order was stayed.

The Chief Administrator HSVP is directed to ensure that all pensionary benefits of the petitioner are released within a period of 2 weeks from today alongwith interest at the rate of 9 per cent per annum to be calculated from the date it became due till the date its realization.

The instant petition is allowed in the afore-stated terms.

(SANDEEP MOUDGIL)
JUDGE

24.07.2023
Kusum

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No