

CWP-8011-2023

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

(129)

CWP-8011-2023

Date of decision:- 19.04.2023

Dharambir Yadav

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rajender Singh Malik, Advocate
for the petitioner.

SUVIR SEHGAL, J. (Oral)

1. Instant petition has been filed inter alia seeking issuance of a writ in the nature of mandamus for directing the respondents to release the retiral benefits, i.e., gratuity and commutation of pension along with interest @ 18%.

2. Counsel for the petitioner submits that petitioner retired from the post of DDPO on 31.01.2018. He submits that during his service tenure, an FIR was registered on 20.08.2009 for various offences under IPC and under the Prevention of Corruption Act, 1988 against Sarpanch of a village. Although, according to the counsel, petitioner was named as an accused, but by order dated 19.07.2021, Annexure P-3, sanction to prosecute the petitioner has been declined. Counsel submits that a charge-sheet issued to the petitioner under Rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules, 1987 was dropped vide order dated 09.12.2016, Annexure

P-1. He submits that despite the fact that there is no legal impediment, his retiral dues are not being released. He submits that the petitioner has served a legal notice dated 10.02.2023, Annexure P-5, but to no avail and he would be satisfied in case a direction is issued to the official respondents to look into the matter.

3. Notice of motion.
4. On asking of the Court, Mr. Pankaj Middha, Addl. A.G., Haryana accepts notice on behalf of the respondents.
5. Given the nature of order being passed, this Court does not deem it necessary to call for a response from the respondents.
6. Having heard counsel for the parties, but without commenting upon the claim raised by the petitioner in the writ petition or in the legal notice, this petition is disposed of with a direction to respondent No.2 to examine the legal notice, Annexure P-5, within a period of three months from the date of communication of a copy of this order.
7. In case, respondent No.2 finds that the retiral dues cannot be released, an order be passed assigning reasons for declining the same.

19.04.2023
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No