

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

210

CWP-11296-2016

Date of Decision:-19.09.2023

YASH PAL SINGH RANA

...Petitioner

Versus

STATE OF HARYANA & ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Raj Kumar Gupta, Advocate
for the petitioner.

Mr. Sandeep S. Mann, Addl. A.G., Haryana.

Mr. Lalit Attri, Advocate for
Mr. Sunil Kumar Sharma, Advocate
for respondents No.2 and 3.

SANDEEP MOUDGIL, J. (Oral)

1. This petition has been filed under Article 226/227 of the Constitution of India seeking issuance of writ in the nature of mandamus directing the respondents to release the retirement benefits i.e. pension, gratuity, leave encashment and commutation of pension etc. to the petitioner, after refixing his pay by incorporating the benefits of increments and three ACPs with all arrears along with interest @ 18% per annum till the date of its realization.

2. Learned counsel for the petitioner contends that the petitioner has joined the services as General Manager in the Haryana State Federation of Consumers Cooperative Wholesale Stores Limited on 07.12.1979 and got retired from his services on attaining the age of superannuation on 30.06.2013. During the period from 1986 to 1987, petitioner was working as District Manager,

Confed, Rohtak and senior Managers of CONFED issued false charge sheet to the petitioner, on the allegations of fraud and earning black money and disciplinary authority passed the order of dismissal. Afterwards, Appellate Authority has modified the order of dismissal to that of stoppage of two increments and denied the benefit of wages during suspension period and the petitioner was ordered to be reinstated in services. Petitioner had filed CWP No.14605 of 1993 against the order of Appellate Authority, which was disposed of by this Court stating that petitioner has a right to claim terminal benefits also. Thereafter, petitioner was again served false chargesheet, which was duly replied, but no decision has been taken so far.

3. Learned counsel for respondents No.2 and 3 submits that chargesheet dated 04.05.2012 is still pending, awaiting the opinion of the Income Tax Department as is evident from para No.8 of the written statement and chargesheets dated 21.09.2012 and 28.01.2013 have been decided and recovery of Rs.1,87,172/- and Rs.58,113/- have been imposed on the petitioner but as per learned counsel for the petitioner this information was never conveyed to the petitioner.

4. After hearing the parties at length and on perusal of record, it is evident on record that departmental proceedings arising out of the chargesheet dated 04.05.2012 is still pending i.e. for more than 11 years.

5. In view of the above, the respondents are directed to decide the case of the petitioner, on his claim for retiral benefits including pension, gratuity, leave encashment and commutation of pension etc. after re-fixing his pay by incorporating the benefits of three ACPs with arrears along with interest arising therefrom, within a period of two months from the date of receipt of certified copy

of this Court.

6. The instant petition stands disposed of in the aforesaid terms.
7. However, the petitioner would be at liberty to avail remedies, in accordance with law, if he feels aggrieved, by any such speaking order so passed by the respondents.

19.09.2023
P.Bhatt

(SANDEEP MOUDGIL)
JUDGE

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