

**254 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP-19777-2022
Date of decision 10.04.2023**

RUPINDER PAL SINGH

....Petitioner

Verses

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Gurinder Singh Lali, Advocate
for the petitioner.

Mr. Sandeep Chopra, DAG, Punjab.

JASGURPREET SINGH PURI, J (Oral):

The present petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to release the retirement benefits to the petitioner.

Learned counsel for the petitioner has submitted that the petitioner joined as a temporary Engineer (S.D.O.) on 26.08.1986 and thereafter his service was regularised on 27.01.1993 and the petitioner retired on 30.11.2018 as Superintending Engineer from Jalandhar Drainage Circle, Jalandhar. He submitted that thereafter one year extension was granted to the petitioner and he served on extension period from 01.12.2018 till 30.11.2019 and ultimately he retired after availing extension on 31.03.2020 vide order dated 26.04.2020 (Annexure P-3). He submitted that after the retirement, the petitioner has not been paid any of the pensionary benefits except for the provisional pension. He has submitted that there was no basis for not granting the regular pension to the

petitioner and for denying the other retiral benefits to the petitioner. He has submitted that as per the reply which has been filed by the State the only reason which has been stated that there was one vigilance inquiry of the year 2015 which was pending against the petitioner on the date of retirement and he submitted that neither any judicial proceedings or disciplinary proceedings have been pending against the petitioner. He has further submitted that since at the time of the retirement of the petitioner there was neither any departmental proceedings pending against the petitioner nor any judicial proceedings pending against the petitioner and therefore, there was no justification for the respondent to not grant the pensionary benefits to the petitioner and he further submitted that it is a settled law that mere pendency of vigilance inquiry would not become a ground for denial of pensionary benefits and the same can be done only under the provisions of the Punjab Civil Service Rules. He further submitted that even as per the provisions of Rule 2.2 (a & b), for the purpose of withholding pensionary benefits there has to be some judicial proceedings but no such proceedings were pending against the petitioner and therefore, there was no justification for denial of the pensionary benefits and he, has therefore, prayed for the release of all the retiral benefits to the petitioner alongwith interest.

On the other hand, learned State counsel has submitted that it is correct that as per reply filed by State that there were no departmental or judicial proceedings pending against the petitioner but it has been so stated in Para No.5 of the reply that as per the provisions of Punjab Civil Service Rules, no gratuity can be paid to the petitioner until the conclusion of the departmental or judicial proceedings and issue of final orders thereon. He further submitted that it is true that only investigation is

pending with regard to the vigilance inquiry, but the inquiry has not been finalized.

I have heard both the learned counsel for the parties.

It is noted that there is neither any departmental inquiry nor any judicial proceeding pending against the petitioner. The mere pendency of vigilance inquiry against the petitioner cannot become a ground for denial of the pensionary benefits since the pensionary benefits is a Constitutional Right under Article 300-A of the Constitution of India and therefore, in absence of any departmental inquiry or judicial proceedings, action of the respondent is bad in the eyes of law.

In view of the above, the present petition is allowed. Consequently, it is directed that the petitioner be paid all pensionary benefits along with interest @ 6% per annum within 4 months from today.

10.04.2023
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No