

In the High Court of Punjab and Haryana, at Chandigarh**Civil Writ Petition No. 8259 of 2018****Date of Decision: 24.05.2023**

Jiwan Lal

... Petitioner(s)

Versus

The State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. R.D.Bawa, Mr. Randhir Bawa and Mr. Samuel Gill,
Advocates, for the petitioner(s).

Mr. D.K.Singal, Additional Advocate General,
Punjab, for the respondent No. 1 to 4.

Ms. Manpreet, Advocate
for Mrs. Anju Arora, Advocate
for the respondent No.5.

Anil Kshetarpal, J.

1. On 12.05.2023, the following order was passed:-

“In substance, the petitioner prays for issuance of a direction to the respondents to release the amount of gratuity and leave encashment after petitioner was permitted to retire voluntarily on 31.12.2009. Subsequently, in the departmental proceedings, a penalty of cut of 3% on the pension, had already been imposed in the year 2017. It is the allegation of the petitioner that the amount of gratuity and leave encashment has not been released on the pretext of the pendency of the FIR in which the petitioner is not named as an accused. The FIR was registered in the year 2016.

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This writ petition is pending for the last 5 years. On 27.04.2023, on the request of the learned State counsel, the case was adjourned to today to get complete information about the progress of the investigation in the FIR, which was registered in the year 2016.

Learned State counsel states that no further information has been provided. It is unfortunate that the State is withholding the payments of the retiral dues of its retired employee for such a long time. It appears that the Government officials have no will or inclination to take care of their elders and seniors.

Keeping in view the aforesaid facts, the case is adjourned to 24.05.2023, subject to the payment of costs of Rs.25,000/-, which shall be paid by the Principal Secretary, Ayurveda, Department of Health, Punjab. It is made clear that if the required information is not furnished on the date fixed, the concerned Principal Secretary shall be required to be present in the Court on the date fixed.

Let the costs be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research, Chandigarh, well before the date fixed.

To be listed in the urgent list."

2. During the course of hearing, the learned State counsel has filed the additional affidavit of the Joint Director, Department of Ayurveda, Punjab, dated 24.05.2023, with a copy to the learned counsel representing

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the petitioner. Para 7 of the affidavit reads as under:-

“7. That it is submitted that as now the status report of FIR No. 142 dated 08.12.2016 has been received from the concerned police station, therefore, the pensionary benefits, which were withheld by the department, will be paid to the petitioner within a period of one month, however, subject to the outcome of above mentioned FIR.”

3. Keeping in view the aforesaid stand, no further order in the writ petition is required to be passed. Consequently, the present writ petition is disposed of.

(Anil Kshetarpal)
Judge

May 24, 2023
“DK”

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