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2023:PHHC:125354

CWP-21306-2023
Date of decision: 22.09.2023

V/s

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. B.S. Patwalia, Advocate for
Mr. Gauravjit Singh Patwalia, Advocate
for the petitioner.

DEEPAK MANCHANDA 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 gratuity and leave encashment accrued to the petitioner along with interest @ 18% per annum from the date of retirement till the date of payment, in the light of the fact that he has been compulsorily retired vide order dated 25.02.2021 (Annexure P-3).

Learned counsel for the petitioner contends that the petitioner was appointed on 03.08.1999 as Assistant Manager in the Punjab State Cooperative Agricultural Development Bank Limited, Chandigarh. On 12.06.2019, the petitioner was issued a chargesheet dated 12.06.2019 under Rule 8 of the Punjab Civil Services (Punishment & Appeal) Rules, 1970 for inflicting a major penalty. The entire genesis for issuance of the chargesheet to the petitioner is due to the animosity between the then Cooperation Minister, Punjab and Sh. Harinder Singh Sidhu, who was Additional Registrar, Cooperative Societies, Punjab and was

appointed as Managing Director of respondent No.3-Bank. The petitioner was

issued second chargesheet dated 30.07.2019 allegedly on the ground that the petitioner misled the office of Registrar Cooperative Societies, Punjab under Rule 8 of the Punjab Civil Services (Punishment & Appeal) Rules, 1970 qua the expenditure incurred on the renovation work in the bank. A regular enquiry was conducted against the petitioner in which the Enquiry Officer submitted an enquiry report dated 19.10.2020 contrary to the evidence of the prosecution witnesses. The Punishing Authority/Disciplinary Authority issued a show cause notice dated 05.11.2020 wherein a tentative decision had been taken to dismiss the petitioner from service. The petitioner submitted a reply dated 04.12.2020 to the aforesaid show cause notice wherein, it was categorically stated by the petitioner that the enquiry report submitted by the Enquiry Officer is vague and not in consonance with the deposition submitted by the witnesses. Finding force in the submissions made by the petitioner, the disciplinary/punishing authority instead of dismissing the petitioner, compulsorily retired him from the respondent-Bank vide order dated 25.02.2021 (Annexure P-3). Learned counsel further contends that the petitioner has submitted application dated 08.03.2021 (Annexure P-5) and legal notice dated 31.07.2023 (Annexure P-7) to respondents, which has not been taken into consideration till date and the petitioner would be satisfied if necessary directions are given for deciding the application and legal notice in a time bound manner.

Notice of motion.

At this stage, on asking of the Court, Mr. Arun Gupta, AAG Punjab, who is present in the Court, accepts notice on behalf of the respondents No.1 & 2 and submits that respondent No.3 is the competent authority to decide the application and legal notice.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioner in the application dated 08.03.2021 (Annexure P-5) and legal notice dated 31.07.2023(Annexure P-7), respondent No. 3 is directed to decide the aforesaid application and legal notice by passing a speaking order within a period of 8 weeks from the date of receipt of certified copy of this order with a further direction that if the petitioner is found to be entitled to the claim mentioned in the abovesaid legal notice, necessary disbursement of funds shall be made to him within a period of 8 weeks thereafter.

The petition stands disposed of.

22.09.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

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