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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-26340-2023 (O&M)
Date of Decision: 23.11.2023

Gurmeet Singh

. . . . Petitioners

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. Mukesh Arora, Advocate
for the petitioner.

Mr. Paramjit Batta, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner by way of this writ petition has prayed as under:

“Civil Writ Petition under Article 226 of Constitution of India in the nature of Mandamus for issuance of directions to the respondents to process the pension case of the petitioner which is not being processed on the pretext of pendency of charge sheet dated 24.05.2023 (Annexure P/1)(which was received to the petitioner on 25.07.2023 vide letter No.2/203/2065 dated 25.07.2023) with unsustainable charges and with the sole motive of the respondents to harass the petitioner as was done by the respondents while issuing another charge sheet 05092018 which was later on dropped vide order dated 08.10.2020 (Annexure P/2) and the petitioner was deprived of his promotion and the petitioner was constrained to file Civil Writ Petition for claiming promotion which is pending in this Honble Court

AND

Further Civil Writ Petition under Article 226 of Constitution of India in the nature of Mandamus for issuance of directions to the respondents to make the payment of provisional pension as admissible to the petitioner during the subsistence of this charge sheet as the petitioner being a retiree has other source of income

AND

Further Civil Writ Petition under Article 226 of Constitution of India in the nature of Mandamus for issuance of directions to the respondents to grant the grade pay on completion of 4 years of service under New Assured Career Progression Scheme vide Notification dated 3.11.2006 (Annexure P/3) on the post of Senior Assistant

AND

Further Civil Writ Petition under Article 226 of Constitution of India in the nature of Mandamus for issuance of directions to the respondents to treat the period from 08.07.2023 to 16.07.2023 (ie the period from the date of relieving to the date of rejoining while transferring the petitioner which was stayed by the Honble Court) as duty period and to make payment on this account to the petitioner

AND

Further Civil Writ Petition under Article 226 of Constitution of India in the nature of Mandamus for issuance of directions to the respondents to make payment of arrears of Dearness Allowance for the period from 01.07.2015 to 31.12.2015 to the petitioner as is done to all the Punjab Govt employees but the requests of the petitioner has gone unheeded

AND

Further for the issuance of any other order or writ or direction which this Honble Court may deem fit and proper keeping in view of the facts and circumstances of the case.”

2. As perused from above, there are different prayers made in the present petition. The first prayer pertains to claiming pension. Considering that there is an enquiry pending where the petitioner has not even chosen to file reply, no directions can be issued to the respondents to process the pension case. However, the petitioner in terms of the Rules would be entitled for receiving provisional pension, which has been informed to have been already recommended.
3. With regard to grade pay on completion of 4 years of service under the new ACP scheme, this Court notices that as there is an enquiry pending

against the petitioner, benefits of increment or higher pay would have to await the result of the enquiry.

- 4. As regards consideration for treating the period as duty period during which he has remained absent, the State Government would examine the same at its own behest for which the petitioner would be free to make an appropriate representation.
- 5. The petitioner has also further prayed in the writ petition for granting of arrears of dearness allowances for the period from 01.07.2015 to 31.12.2015. The petitioner can move appropriate representation to the authority. At this stage, as enquiries are pending, no interference other than observed above, requires to be made.
- 6. Writ Petition stands disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

November 23, 2023

Mohit goyal

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |