

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

(121)

CWP-1448-2024

Date of Decision : January 23, 2024

Mahavir Singh Verma

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mukesh Rao, Advocate, with
Mr. Shubham Aneja, Advocate, for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance of the petitioner is that without passing any appropriate order on the disciplinary proceedings on the basis of a communication between respondent No. 1 and respondent No.2, the petitioner is being subject to punishment of cut in pension to the tune of 5% for a period of one year.

2. Learned counsel for the petitioner submits that no detailed order has been passed by respondent No.1 so far and the order dated 13.07.2022 (Annexure P-17) is being treated an order of punishment, which is arbitrary and illegal.

3. Learned counsel for the petitioner further submits that on the date when the petitioner retired, there was no charge sheet against the petitioner hence, there was no jurisdiction with the respondents to withhold the pensionary benefits but even after a period of one decade, the gratuity has not been allowed in favour of the petitioner, which is totally arbitrary and illegal.

Notice of motion.

5. Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondents.

6. Learned counsel for the respondents submits that the order dated 13.07.2022 (Annexure P-17) is not an order of punishment as the order of punishment is yet to be passed and the appropriate order in the respect of the disciplinary proceedings will be passed within a period of three months from today and the same will be conveyed to the petitioner.

7. Learned counsel for the respondents further submits that the claim of the petitioner for the release of gratuity as well as the salary for the month of January and February, 2014, same will be considered keeping in view the settled principle of law settled by this Court in ***CWP No.21049 of 2017 titled as Anoop Singh vs. State of Haryana and others, decided on 14.10.2019*** by taking into consideration the fact that whether, once on the date of retirement there is no disciplinary proceedings pending against the petitioner, can, the gratuity of the petitioner be withheld and an appropriate order will be passed within a period of eight weeks from today and in case, it is found that there was no power with the State to withhold the gratuity of the petitioner, the same will be released to the petitioner within a further period of two weeks otherwise appropriate order qua the same will also be passed.

8. Learned counsel for the petitioner submits that keeping in view the statement of learned counsel for the respondents, the present writ petition may kindly be disposed of having been not pressed any further.

9. Ordered accordingly.

January 23, 2024

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No