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

CWP-2568-2023
Date of decision: 13.02.2024

Jagpal Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ankit Midha, Advocate for the petitioner.

Mr. Ferry Sofat, Addl. A.G. Punjab.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus directing the respondents to issue Vigilance Clearance Certificate to the petitioner so that the gratuity and other pending retiral benefits of the petitioner along with interest @ 12% per annum could be released. Other prayers have also been made in the present writ petition.
2. Learned counsel for the petitioner has submitted that primary reason for non-issuance of No Objection Certificate was on account of the fact that Vigilance Inquiry No.2 dated 25.05.2016 conducted at the Vigilance Bureau, Unit Pathankot was pending. It is further submitted that as per reply submitted by respondent No.3-The ADGP-cum-Chief Director,

Vigilance Bureau, Punjab more so in para 4 of the same, it has been specifically stated that no role/involvement of the petitioner has been found in the same. It is contended that even, the relief sought by the petitioner deserved to be granted. It is also submitted that the detailed representation dated 07.12.2022 (Annexure P-10) has been filed by the petitioner and he would be satisfied at this stage, in case, the competent authority of respondent No.1-State is directed to consider the said representation dated 07.12.2022 (Annexure P-10) in a time bound manner and in case, the pleas raised by the petitioner are found to be meritorious then to grant necessary relief immediately, in accordance with law. It is further submitted that the reply filed on behalf of respondent No.3 be also taken into consideration while considering the said representation.

3. Learned State Counsel has submitted that the competent authority of respondent No.1-State would consider the said representation dated 07.12.2022 (Annexure P-10) in accordance with law, as expeditiously as possible, preferably within a period of two months from the date of receipt of certified copy of the present order.

4. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with direction to the competent authority of respondent No.1-State to consider representation dated 07.12.2022 (Annexure P-10) in accordance with law within a period of two months from the date of receipt of certified copy of the present order and while considering the said representation, the averments made in reply filed by respondent No.3 be also taken into consideration and in case, the pleas raised by the petitioner are found to be meritorious then the competent

authority would grant necessary relief immediately, in accordance with law and in case, the competent authority is of the opinion that the pleas raised by the petitioner are not meritorious then a speaking order rejecting the same be passed within a period of two months from the date of receipt of certified copy of the present order.

5. This Court has not opined on the merits of the case and the competent authority of respondent No.1-State would consider the case of the petitioner independently, in accordance with law.

6. Needless to state that the prayer made in the representation with respect to the claim of interest be also considered.

13.02.2024
Pawan

(VIKAS BAHL)
JUDGE

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