

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

CWP-2919 of 2024

Date of decision: 09.02.2024

Vinod Kumar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. G.S. Patwalia, Advocate,
for the petitioner.

NAMIT KUMAR, J. (ORAL)

1. Instant petition has been filed by the petitioner impugning the show-cause notice dated 07.11.2023 (Annexure P-8) with a further prayer to release the retiral benefits of the petitioner such as gratuity, leave encashment etc. along with interest.

2. Learned counsel for the petitioner submits that while the petitioner was in service, he was issued two chargesheets. The first charge-sheet dated 12.06.2019 was culminated into passing of the order of compulsory retirement dated 25.02.2021 (Annexure P-4). Since retiral benefits of the petitioner were not released, therefore, petitioner filed CWP-21306 of 2023, which was disposed of by this Court vide order dated 22.09.2023 (Annexure P-5) with the direction to the respondents to consider and decide the legal notice. Pursuant thereto, speaking order dated 23.11.2023 (Annexure P-10), has been passed wherein it has been stated that in the second charge-sheet dated 30.07.2019, a show-cause notice dated 07.11.2023 (Annexure P-8) has

been issued wherein tentatively it has been proposed to deduct 50% of the gratuity amount. He submits that reply dated 04.12.2023 (Annexure P-9) to the said show-cause notice dated 07.11.2023 (Annexure P-8) has already been filed, however, no final decision has been taken by the respondents. Learned counsel submits that he would be satisfied in case time-bound directions are issued to respondent No.3 – Managing Director, Punjab State Cooperative Agricultural Development Bank Ltd. to take decision on show-cause notice dated 07.11.2023 (Annexure P-8), after considering his reply.

3. Keeping in view the relief claimed, there is no need for issuance of notice to the respondents as it would delay the proceedings. However, respondent No.3 - Managing Director, Punjab State Cooperative Agricultural Development Bank Ltd. is directed to take a final decision on show-cause notice dated 07.11.2023 (Annexure P-8), within a period of six weeks from the date of receipt of certified copy of this order and thereafter the case of the petitioner for release of pensionary benefits shall be considered within a period of three weeks.

4. Disposed of in the above terms.

09.02.2024
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No