



CWP-8573-2024

1

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

**CWP-8573-2024
Decided on :17.05.2024**

K. C. Bhagat @ Kishan Chand

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Ms. Neha Sonawane, DAG, Punjab.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition under Article 226/227 of the Constitution of India for the issuance of an appropriate writ, order or direction especially in the nature of mandamus directing the respondent No.2-the Secretary, Vigilance Department, Punjab to issue a 'No Objection Certificate' in favour of the petitioner qua non-pendency of any Vigilance Enquiry against him, which is not being issued despite the fact that Vigilance Department, Punjab, has already given a clean chit to the petitioner vide Investigation Reports (Annexure P-5), dated 05.07.2018 (Annexure P-6) and 06.09.2022 (Annexure P-7) and even after more than 4½ years of submission of the said inquiry report in favour of the petitioner, No Objection Certificate qua pendency of any vigilance enquiry is being

**CWP-8573-2024****2**

withheld. Further a prayer has been made for grant of interest @ 12% per annum with respect to gratuity from the date the same became due till the time of actual payment and sanction the final retiral benefits to the petitioner. Other prayers have also been made in the present writ petition.

2. Learned counsel for the petitioner has submitted that the petitioner had retired on 30.09.2020 as a Superintending Engineer and has submitted that in spite of elapse of more than three years, the pensionary benefits to which the petitioner is entitled, including gratuity, regular pension as well as interest on the said benefits, has not been paid till date solely on the ground that respondent No.2- the Secretary, Vigilance Department, Punjab has not issued the NOC in spite of the fact that clean chit had been given to the petitioner as per the Investigation Reports (Annexure P-5), dated 05.07.2018 (Annexure P-6) and 06.09.2022 (Annexure P-7). Learned counsel for the petitioner has submitted that in a similar case, i.e., **CWP-30068-2022** decided on 03.05.2024 titled as ***Manohar Lal Sabharwal Vs. State of Punjab and others***, after considering the same issue, this Court was pleased to dispose of the said writ petition in the following terms:-

“4. Keeping in view the above-said facts and circumstances, the present writ petition is disposed of with the following directions: -

(i) Respondent No.4, in view of the averments made in para No.7 of the short reply by way of affidavit dated 03.05.2023, is directed to forward the NOC to respondents No.2 and 3 within a period of one month from the date of receipt of certified copy of this order.

(ii) Respondents No.2 and 3 would release the retiral benefits to which the petitioner is found entitled after taking into consideration the various heads highlighted by the learned



CWP-8573-2024

3

counsel for the petitioner in para 2 of the present order, within a period of one month thereafter.

(iii) Respondent No.2 would also pass a specific order with respect to the payment of interest keeping in view Rule 9.13 of the Punjab Civil Services Rules, Volume II and the same be passed within a period of two months from the date of receipt of NOC and the amount found due on account of the same would also be released to the petitioner within a further period of three weeks from the date of the said decision.”

It is submitted that the case of the present petitioner is similar to the case of said **Manohar Lal Sabharwal** (*supra*) and that in all these cases, the objection raised on behalf of respondent No.2-the Secretary, Vigilance Department, Punjab is that the other respondents could seek No Objection Certificate from the Office of respondent No. 2 through official correspondence and it is submitted that it is only on the account of lack of coordination between the two departments that the retiral benefits of the employees, including the present petitioner, are being delayed. It is prayed that a similar direction, as has been issued in the above said case, be issued.

3. Learned State counsel, on instructions of Ms.Harpreet Kaur, posted in the office of Water Resources, Head Office, has submitted that respondent No. 2 would forward the No Objection Certificate to respondent No. 1 within a period of two months and respondent No. 1 after receipt of the said NOC, would release the retrial benefits due to the petitioner within a further period of one month thereafter and the claim of interest on retrial benefits would also be considered by the respondent-State, in accordance with law.

**CWP-8573-2024****4**

4. Keeping in view the above-said facts and circumstances, the present writ petition is disposed of with the following directions:-

(i) Respondent No. 2 is directed to remove the name of the petitioner from the website as an accused, since he has been given a clean chit in the investigation report and is further directed to forward the NOC to respondent No. 1 within a period of two months from the date of receipt of certified copy of this order.

(ii) Respondent No.1 would release the retrial benefits to which the petitioner is found entitled after taking into consideration the various heads highlighted by the learned counsel for the petitioner in para 2 of the present order, within a period of one month thereafter.

(iii) Respondent No.1 would also pass a specific order with respect to the payment of interest keeping in view Rule 9.13 of the Punjab Civil Services Rules, Volume II and the same be passed within a period of two months from the date of receipt of the NOC and the amount found due on account of the same would also be released to the petitioner within a further period of three weeks from the date of the said decision.

(VIKAS BAHL)
JUDGE

May 17, 2024*Davinder Kumar*

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No