

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

226

CWP-5051-2016

Date of decision: 12.03.2024

Subhash Chander

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner.

Mr. Satnam Preet Singh, DAG, Punjab.

AMAN CHAUDHARY. J.

1. The prayer in the present Civil Writ Petition filed under Articles 226/227 of the Constitution of India, is to issue a writ in the nature of mandamus, for directing the respondents to grant the terminal benefits which not given to the petitioner during the period of suspension.

2. Learned State counsel refers to para 3 of the preliminary submissions of reply by way of affidavit of Surinder Singh, Deputy Inspector General Prisons, Punjab-cum-Superintendent Headquarter Jail, Amritsar, which reads thus:-

“3) That the brief facts of case the petitioner was called for explanation on 12.09.2014 for not complying with the order of Hon'ble High Court to produce the custody certificate of one accused namely Naresh Kumar in CRA-S-2733-SB-2013 on 09-09-2014 but the reply of explanation was not received from petitioner and he was put under suspension on 20.09.2014. On the request of petitioner he was reinstated on 23-12-2014, during pendency of Departmental enquiry. A charge sheet was issued under rule 8 of Punjab Civil Services (Punishment & Appeal) Rules, 1970. The copy of Charge Sheet was received from petitioner and comments obtained from Superintendent Sub Jail Pathankot. On the recommendation of Superintendent Sub jail, Pathankot for dropping the inquiry as consigned the same to the record room, upon which the petitioner was found not guilty. That the charge sheet was dropped by the Deputy Inspector General of Prisons

cum Superintendent Headquarter Jail, Amritsar vide order no. 109 dated 07-04-2017 (Copy attached as Annexure R/T-1). That the petitioner had already been given G.P fund final payment, GIS, Leave encashment at the time of his retirement and 75% anticipatory pension is given from 01.05.2015 to date. It is further pertinent to mention that pension case for final payment of pension and Gratuity has been sent to the Accountant General (A&E) Punjab, Chandigarh Vide the letter bearing No. 80 dated 15-04-2017 for further action. A copy of same is appended as annexure R- 2 and the arrear of salary of suspension period from 22-09-2014 to 23-12-2014 has been prepared and submitted in Treasury Officer, Pathankot bearing Bill No. 04 dated 17-04-2017.”

3. In view of the aforesaid, the present petition is disposed of as having been rendered infructuous, reserving the petitioner with a liberty to approach the respondents, in case need arises.

(AMAN CHAUDHARY)
JUDGE

12.03.2024
Hemant

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