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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-18545-2023
Date of decision: 31.01.2024

Nathu Ram Goyal ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Kunal Muthreja, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to release the retiral benefits of the petitioner including gratuity, leave encashment and regular pension along with 12% interest.
2. Learned counsel for the petitioner has fairly submitted that the respondent authorities have issued the charge sheet against the petitioner initiating the disciplinary proceedings against him. It is further submitted that even in case the said charge sheet has been issued at best the respondent authorities can withhold the gratuity and in case ultimately the petitioner is found guilty then a cut can be imposed on the pension. It is contended that in any case, leave encashment, interest on the delayed payment of GPF and interest on the delayed payment of GIS would be payable to the petitioner. It is further contended that the petitioner would give a representation within a period of one week from today detailing the amounts due to the petitioner on account of the said aspects and has submitted that at this stage, the petitioner would be

satisfied in case the competent authority of respondent No.1-State is directed to consider and decide the said representation in a time bound manner and in case, the pleas raised by the petitioner are found to be meritorious then to release the said money expeditiously.

3. Learned State Counsel has submitted that the competent authority of respondent No.1-State would consider the said representation in accordance with law, as expeditiously as possible preferably within a period of two months from the date of receipt of the said representation.

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 and decide the abovesaid representation in accordance with law within a period of two months from the date of receipt of abovesaid representation and in case, the pleas raised by the petitioner are found to be meritorious then the competent authority would release the amount to the petitioner which has been found due within a period of three weeks thereafter, 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 the abovesaid representation.

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.

31.01.2024*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**