

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(211)

CWP-30068-2022

Date of decision: - 03.05.2024

Manohar Lal Sabharwal

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Haravtar Singh Saini, Advocate,
for the petitioner.

Ms. Neha Sonawane, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

1. This is a 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.4/Vigilance Department, Punjab to issue '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 respondent No.4/Vigilance Department, Punjab, has already given the clean chit to the petitioner vide Investigation Reports dated 08.03.2018 (Annexure P-3) and dated 05.07.2018 (Annexure P-5) 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 withheld. Further a prayer has been made for grant of interest @ 12% per annum with respect to the retiral benefits from the date the same became due till the time of actual payment. Other prayers have also been made in

the present writ petition.

2. Learned counsel for the petitioner has submitted that the petitioner has retired on 30.09.2018 as an Executive Engineer and has submitted that in spite of elapse of more than five years, the pensionary benefits to which the petitioner is entitled, including gratuity, regular pension, commutation of pension, revised pensionary benefits on the basis of 6th Pay Commission as well as interest on the said benefits, has not been paid till date solely on the ground that respondent No.4/Vigilance Bureau, Punjab has not issued the NOC in spite of the fact that clean chit had been given to the petitioner as per the investigating reports dated 08.03.2018 (Annexure P-3) and dated 05.07.2018 (Annexure P-5). Learned counsel for the petitioner has referred to para 7 of the short reply by way of affidavit dated 03.05.2023, filed on behalf of respondent No.4 and the same is reproduced herein below: -

“7. That it is humbly submitted that as per the procedure, the concerned department of the petitioner i.e. respondent Nos.2 & 3 (the Chief Engineer/Headquarter, Department of Water Resources, Punjab, the Chief Engineer, Ranjit Sagar Dam (Construction) Project, Department of Water Resources, Punjab), or the respondent No.5 (Accountant General (A&E), Punjab) can seek 'No Objection Certificate' sought by the petitioner in the present petition, from the office of respondent No.4 through official correspondence.

It is submitted that the only objection taken by respondent No.4/Vigilance Bureau, Punjab, is that respondents No.2 and 3 can seek 'No Objection Certificate' from the office of respondent No.4 through official correspondence and that only on account of lack of coordination between two departments, the retiral benefits of the petitioner have been delayed. It is further submitted that in the said circumstances, a direction

be issued to respondent No.4 to issue the NOC and forward the same to respondents No.2 and 3 in a time bound manner, with a further direction to respondents No.2 and 3 to release the said benefits and that claim of the interest on retiral benefits be also considered.

3. Learned State counsel, on instructions from ASI Surjit Kumar, Vigilance Bureau, Pathankot and Ms. Harpreet Kaur Gill, Superintendent Pension, Department of Water Resources, Punjab, Chandigarh, has submitted that in view of para No.7 of the short reply by way of affidavit dated 03.05.2023, respondent No.4 would forward the NOC to respondents No.2 and 3 within a period of one month from today and respondent Nos.2 and 3 after the receipt of the said NOC, would release the retiral benefits due to the petitioner within a period of one month thereafter and the claim of interest on retiral benefits would also be considered by the respondent-State in accordance with law.

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 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.

May 03, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No