



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

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CWP-11444-2025**Date of Decision: 28.04.2025**

SHRI NIWAS

... Petitioner

Versus

DHBVN AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. J.S. Yadav, Advocate
None for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

The petitioner has approached this Court seeking directions to the respondents to release 100% provisional pension and all retiral benefits of the petitioner, which are withheld by the respondents, except Gratuity and Leave Encashment and a further prayer to release the aforesaid retiral benefits to the petitioner alongwith interest @18% per annum.

2. Learned Counsel appearing on behalf of the petitioner has submitted that the petitioner was appointed as Junior Engineer on 22.09.1989 with the respondent-Department. The petitioner was thereafter promoted as Junior Engineer Ist on 19.05.1993. Thereafter, again promoted as Sub Divisional Officer on 05.08.2014, with effect from 31.03.2010. However, on 04.11.2019, the petitioner has been reverted back due to non-passing of departmental test. The order of reversion had been challenged by the petitioner by way of CWP-33174-2019 and the said writ petition is still pending for adjudication. However, the petitioner has retired after attaining the age of

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superannuation on 31.01.2025 as Junior Engineer (JE). The retiral benefit of the petitioner has been withheld by the respondent due to pending departmental proceedings. The petitioner has submitted his representations dated 19.02.2025 and 12.03.2025 for release of his retiral benefits and provisional pension, however, no action has been taken by the respondent-department.

3. Notice of motion.

4. Ms. Tanisha Peshawaria, DAG, Haryana appears and accepts notice on behalf of the respondents-State and submits that she has no objection to the aforesaid prayer being granted.

5. Accordingly, without commenting upon the merits of the case, the present petition is disposed of and respondent No.4-the X.E.N (OP) Division, DHBVN, Kosli, Rewari/Competent Authority, is directed to decide the representations of the petitioner dated 19.02.2025 and 12.03.2025 (Annexures P-1 and P-2 respectively) and to pass a reasoned and speaking order thereupon in accordance with law preferably within a period of three months from the date of receipt of certified copy of this order.

6. Needless to mention that in the event the entitlement of the petitioner is established as per law, the payment due to the petitioner shall be released expeditiously and preferably within a further period of two months.

APRIL 28, 2025*Vishal Sharma***(VINOD S. BHARDWAJ)****JUDGE**

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