



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

CWP-13151-2025

Date of Decision:-26.05.2025

Rajesh Kumar Bansal

...Petitioner

Vs.

Union Territory of Chandigarh and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Chetan Bansal, Advocate
for the petitioner.

Mr. Gaurav Mohunta, Advocate,
Mr. Pratyush Sood, Advocate and
Mr. Karanvir Singh, Advocate
for the respondents.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to release his retiral dues.

2. The petitioner is claiming that he sought voluntary retirement w.e.f. 01.12.2022. At the time of his retirement, no criminal or departmental case was pending against him. The respondent with respect to few missing files constituted a Fact Finding Committee which in its report found that possibility cannot be ruled out whether the files were misplaced before the charge taken over by Rajesh Kumar Bansal (petitioner) from Om Parkash.

3. Mr. Gaurav Mohunta, Advocate concedes that till date, no

charge-sheet has been issued to the petitioner and as per applicable rules in the absence of charge-sheet, retiral dues cannot be withheld, however, he submits that petitioner collected GST but did not deposit with the GST Department, thus, there are all possibilities that GST Department may raise demand against them.

4. On the asking of Court, Mr. Gaurav Mohunta, Advocate submits that it is not clear whether petitioner collected GST in cash or by way of banking channel.

5. The petition stands *disposed of* with a direction to respondents to find out within one month from today whether GST was collected by petitioner in cash or through banking channel. If it is found that GST was collected in cash, the department-respondent would be free to withhold an amount equal to GST involved till the conclusion of the matter with respect to GST. If it is found that GST was collected through banking channel, the respondent shall be bound to release retiral dues of the petitioner within a period of two months from today.

(JAGMOHAN BANSAL)
JUDGE

26.05.2025
Prince Chawla

Whether Speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No