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

CWP-26989-2025

Date of decision: 11.09.2025

Ajay Kumar

....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Aditya Dassaur, Advocate
for the petitioner.

Mr. Vikas Arora, DAG, Punjab.

Mr. Vikram Preet Arora, Advocate
for respondent No.4-M.C. Rahon.**HARPREET SINGH BRAR, J. (ORAL)**

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the speaking order dated 11.07.2025 (Annexure P-4) whereby, the claim of the petitioner has been majorly rejected and order dated 03.03.2025 (Annexure P-5) whereby, only provisional pension to the tune of 90% is being paid to the petitioner instead of regular pension. Further, directing the respondents to release retiral benefits with interest @ 18% per annum from the date of retirement till actual payment.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner retired as a Junior Assistant from respondent No.2-Municipal Council on 31.01.2025. Admittedly, at the time of retirement, no charge sheet, show cause notice or departmental proceedings were pending against the petitioner. His gratuity and leave encashment was not released and only provisional pension of 90% was allowed. The petitioner approached this Court by filing

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CWP No.12723 of 2025 wherein, this Court on 06.05.2025 (Annexure P-3) directed the respondents to decide the legal notice of the petitioner by passing a speaking order. In compliance thereof, the respondent passed a speaking order on 11.07.2025 (Annexure P-4) primarily, rejecting the claim of the petitioner on the basis of audit objection pertains to the year 2008 to 2014.

3. Learned counsel for the respondents submits that the six receipts books have not been deposited with the Municipal Council-respondent No.2 by the petitioner. The G-8 receipt book is important record in which receipts are maintained in duplicate and due to the non-deposit of these books by the petitioner, it cannot be ascertained how many receipts have been issued and whether the amount in relation to the issued receipts have been deposited in the Municipal Council fund or not. The petitioner is alleged to have committed grave misconduct resulting into loss of public fund through the Municipal Council i.e. respondent No.2.

4. Having heard learned counsel for the parties and after perusal of the records, it transpires that on the basis of audit reports for the years 2008 to 2014, the gratuity of the petitioner has been withheld for recommending action under Section 17.18 (2) of the Punjab Municipal Account Code, 1930. Admittedly, at the time of retirement, no charge sheet, show cause notice or departmental proceedings were pending against the petitioner and he retired on 31.01.2025 and any action in terms of Rule 2.2 of Punjab Civil Services Rules is totally barred pertains to the period over four years prior to his retirement. Reliance in this regard can be placed on the judgment of this Court passed in CWP-23151-2025 titled as 'Vasdev Singh Vs. State of Punjab and others' decided on 11.08.2025.



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5. Further, reliance of the Municipal Account Code, 1930 cannot justify the rationale given in the impugned order as under the Municipal Account Code, 1930, maximum punishment of Rs.50/- can be imposed and it remained uncontroverted that the retiral benefits have been withheld without there being any pending inquiry. Besides that, the period for which the objections were raised is with regard to the year 2008 to 2014. The impugned action taken after the retirement of the petitioner is arbitrary, irrational and amounts to post retirement punishment without any authority of law.

6. In view of the discussion above, the present writ petition is allowed and impugned orders dated 11.07.2025 (Annexure P-4) and dated 03.03.2025 (Annexure P-5) are hereby set aside and the respondents are directed to release the gratuity of the petitioner within a period of three months from the date of receipt of certified copy of this order, failing which, an interest @ 6% per annum would entail.

(HARPREET SINGH BRAR)
JUDGE

11.09.2025*Neha*

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