

2025:PHHC:020008



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

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**CWP-33991-2024
Date of Decision: 11.02.2025**

CHAND RAM

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Ashish Naik, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the letter No.V.B.D./M-1/2016/2213 dated 24.05.2016 (Annexure P-3) and memorandum of Charge etc. dated 23.05.2016 (Annexure P-4) vide which department inquiry was initiated against the petitioner; as well as to the show cause notice bearing endorsement No.V.B.D./M-1/2024/3934-42 dated 13.11.2024 (Annexure P-12) issued by respondent No.2 after attaining the age of superannuation.

Learned counsel for the petitioner *inter alia* contends that the petitioner was appointed as Multipurpose Health Worker (MPHW) and was later promoted to the post of Multipurpose Health Supervisor (MPHS). He further contends that on 04.09.2015, pursuant to a complaint made by Dinesh son of Satbir, the petitioner was implicated in an FIR No.36 dated 04.09.2015

under Sections 7 and 13 of the Prevention of Corruption Act, 1988. After one year of the registration of the FIR, respondent No.5 issued letter to respondent No.6 to serve a charge sheet under Rule 7 of Haryana Civil Services (Punishment and Appeal) Rules, 2016 upon the petitioner. Eventually, the petitioner got convicted in the aforesaid FIR vide judgment dated 08.08.2018 passed by the Addl. Sessions Judge, Jind. The petitioner challenged the said judgment before the High Court in CRA-S-3836-SB-2018. The said appeal was admitted vide order dated 01.10.2018 and sentence of the petitioner was suspended vide order dated 04.12.2018. Thereafter, on 31.05.2020, the petitioner got superannuated, but his retiral benefits were not released despite repeated requests. The petitioner moved a complaint on C.M. Window vide complaint No.CMOFF/N/2021/114509 dated 08.12.2021. As a result thereof, the respondents called the petitioner in their office and got completed some documentary formalities and asked him to wait for 2-3 months as the case of the petitioner was being forwarded to the office of Accountant General, Haryana. After waiting for sufficient time, the petitioner again moved a complaint on C.M. Window bearing No.CMOFF/N/2022/026569 dated 14.03.2022 and also sent various reminders to the respondents, but they did not pay any heed towards the same. Thereafter, the petitioner served legal notice dated 04.10.2024 upon the respondents for seeking release of his retiral dues. However, as a counterblast to the same, respondent No.5 issued notice to the petitioner asking him to join the inquiry proceedings; whereas the petitioner never received any notice earlier to join the inquiry proceedings. He further submits that the respondents have wrongfully withheld the pensionary/retiral benefits of the petitioner; and just in order to save their skins, have issued the

notice to the petitioner to join inquiry proceedings, whereas the petitioner has already been superannuated and did not receive any intimation regarding joining the inquiry proceedings during his service tenure. He further submits that the respondents cannot initiate the inquiry proceedings after the petitioner being already superannuated.

Notice of motion.

Ms. Tanisha Peshawaria, DAG, Haryana accepts notice on behalf of the respondents and prays for some time to seek instructions and file reply, if so advised.

Learned counsel for the petitioner, however, contends that he would be satisfied at this stage, in case respondent No.2- Director General of Health Services (Malaria), Haryana, Panchkula is directed to treat the present petition as a representation and to consider and decide the same by passing a speaking order in a time bound manner.

Learned State Counsel does not have any objection to the request made by learned counsel for the petitioner.

Accordingly, in view of the above; with the consent of the parties and without commenting anything on the merits of the case, the present petition is disposed of while directing respondent No.2 to treat the present writ petition as a representation and to consider and decide the same by passing a reasoned and speaking order after affording an opportunity of hearing to the respective parties within a period of four months of the receipt of certified copy of this order.

Needless to mention that upon considering the case of the petitioner, if any amount towards retiral dues is found due and payable to the

petitioner, the same shall be disbursed in his favour within a further period of two months.

Petition stands disposed of accordingly.

FEBRUARY 11, 2025.
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(VINOD S. BHARDWAJ)
JUDGE

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