



104

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

**CWP-1250-2026 (O&M)
Date of decision: 16.02.2026**

Ved Parkash

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rahul Garg, Advocate
for the petitioner.

Mr. Vikas Arora, DAG, Punjab.

Mr. Shreya Bublan, Advocate
for respondents No.3 & 4.

Mr. Vishal Aggarwal, Advocate
for the applicant-intervenor
(in CM-2372-CWP-2026).

HARPREET SINGH BRAR, J. (ORAL)

CM-2372-CWP-2026

1. This application has been filed under Order 1 Rule 8A read with Section 151 of the Code of Civil Procedure, 1908 and Article 226 of the Constitution of India for impleading the applicant as intervenor in the main petition.

2. Learned counsel for the applicant-intervenor wishes to withdraw this application.

3. Dismissed as withdrawn.

CWP-1250-2026

4. 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 *mandamus* directing the respondents to release unpaid retiral benefits including gratuity, leave encashment and other consequential dues along with interest on the delay payment.

5. On 20.01.2026, following order was passed by this Court: -

“Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing the respondents to release the unpaid retiral benefits including gratuity, leave encashment and other consequential dues along with interest on the delayed payment to the petitioner.

Learned counsel for the petitioner, inter alia, contends that the petitioner was appointed as Safai Sewak in the Municipal Council, Nabha in the year 1988. He served the Municipal Council, Nabha for over a period of 36 years and retired in March, 2025 on attaining the age of superannuation. He further submits that the petitioner is entitled to full retiral benefits, gratuity, leave encashment, pension, etc. as on the eve of his retirement, there was no pending charge-sheet or disciplinary proceedings against him.

Learned counsel for respondents No.3 and 4, on the other hand, submits that one FIR was registered against the petitioner in the year 2021 and a civil suit is also pending against him for recovery of certain amount, in which the Municipal Council, Nabha has been impleaded as one of the defendant. Additionally, the petitioner is stated to have availed a loan of Rs.5.60 lacs from the Punjab Cooperative Bank, pursuant to which the Bank has addressed a communication to the Municipal Council, Nabha, requesting that the retiral benefits of the petitioner be not released.

In rebuttal, learned counsel for the petitioner submits that the FIR pertains to the year 2021 and till date, the final report/challan under Section 173 of Cr.P.C., has not been presented before the learned trial Court and the sanction has been refused by the General House of the Municipal Council by passing a resolution. Moreover, this is the second FIR on the same set of allegations, which has already been cancelled.

*Having heard learned counsel for the parties and after perusal of the record, it transpires that on the eve of retirement of the petitioner, there is no pending charge-sheet or disciplinary proceedings. The case of the petitioner is squarely covered by the judgment rendered by the Hon'ble Supreme Court in **Union of India vs K.V. Jankiraman, 1991 (3) SCT 317**, whereby it has been held that only after framing of the charges, it would be considered that any criminal proceedings are pending against an employee. The relevant paragraph of the said judgment is reproduced as under:-*

"16. On the first question, viz., as to when for the purposes of the sealed cover procedure the disciplinary/criminal proceedings can be said to have commenced, the Full Bench

of the Tribunal has held that it is only when a charge-memo in a disciplinary proceedings or a charge sheet in a criminal prosecution is issued to the employee that it can be said that the departmental proceedings/criminal prosecution is initiated against the employee. The sealed cover procedure is to be resorted to only after the charge-memo/charge-sheet is issued. The pendency of preliminary investigation prior to that stage will not be sufficient to enable the authorities to adopt the sealed cover procedure. We are in agreement with the Tribunal on this point. The contention advanced by the learned counsel for the appellant-authorities that when there are serious allegations and it takes time to collect necessary evidence to prepare and issue charge-memo/charge-sheet, it would not be in the interest of the purity of administration to reward the employee with a promotion, increment etc. does not impress us. The acceptance of this contention would result in injustice to the employees in many-cases. As has been the experience so far, the preliminary investigations take an inordinately long time and particularly when they are initiated at the instance of the interested persons, they are kept pending deliberately. Many times they never result in the issue of any charge-memo/charge sheet. If the allegations are serious and the authorities are keen in investigating them, ordinarily it should not take much time to collect the relevant evidence and finalise the charges. What is further, if the charges are that serious, the authorities have the power to suspend the employee under the relevant rules, and the suspension by itself permits a resort to the sealed cover procedure. The authorities thus are not without a remedy.”

In the present case, even the final report/challan under Section 173 of Cr.P.C. has not been presented before the learned trial Court. Moreover, the civil suit has been filed by a third party, in which the interest of the Municipal Council, Nabha, is not at stake.

At this stage, learned State counsel as well as learned

counsel for respondents No.3 and 4 seeks a short accommodation to have complete instructions in the matter.

Adjourned to 16.02.2026.”

6. At the outset, learned counsel for respondents No.3 & 4, on instructions from Jivtesh Singh, Assistant Town Planner, submits that admissible dues of the petitioner shall be released within a period of three months from today.

7. In the wake of aforesaid statement, present petition is disposed of.

8. The pending miscellaneous application(s), if any, shall also be disposed of.

16.02.2026
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No