

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

C.W.P No.20326 of 2010
Date of Decision:30.9.2011

Ram Karan Sharma

.... Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited and others ... Respondents

CORAM: Hon'ble Ms. Justice Nirmaljit Kaur

Present: Mr. Jagbir Malik, Advocate for the petitioner.
Mr. Mohnish Sharma, Advocate for the respondents.

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

NIRMALJIT KAUR, J. (Oral)

The present petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the action of the respondents vide which the retiral benefits of the petitioner have been withheld as well as for issuance of a writ in the nature of mandamus directing the respondents to release the retiral benefits of the petitioner i.e. Pension, Gratuity, Communication of Pension and Leave Encashment etc.

On 11.11.2008, the petitioner was acquitted from the criminal case by the learned Court of Inder Jeet Mehta, Special Judge, Panipat. No disciplinary proceedings were pending on the date of retirement. Accordingly, it is contended that the retiral benefit of an employee can be withheld only in case there is any disciplinary proceedings or charge-sheet pending against the retiree on the date of retirement. Reliance has been placed on the judgment passed by

this Court in CWP No.13039 of 1999 titled as Kirat Gopal v. Haryana Vidhyut Parsaran Nigam Limited and others.

In response, learned counsel appearing on behalf of the respondents has pointed out that GPA has already been released and 75% provisional pension has since been sanctioned.

However, learned counsel for the petitioner states that although 75% of the pension was sanctioned but the same has not been released till date.

It is an admitted position that recovery notices R/1 & R/2 have been sent without enquiry and without recording any finding that the petitioner was bound to pay the said amount.

Learned counsel for the respondents does not dispute that in view of the facts of the case, the case is hand is squarely covered by the decision of this Court rendered in the case of CWP No.16327 of 2009 decided on 16.8.2010 titled Partap Singh v. Uttar Haryana Bijli Vitran Nigam Limited and others; CWP No.1048 of 2010 decided on 25.8.2010 titled D.D. Tewari v. Uttar Haryana Bijli Vitran Nigam Limited and others; CWP No.1318 of 2009 decided on 8.1.2010 titled Ram Phal v. Uttar Haryana Bijli Vitran Nigam Limited and others and CWP No.17920 of 2009 decided on 19.5.2010 titled Shiv Ram v. Uttar Haryana Bijli Vitran Nigam Limited and others.

In view of the above, the present petition is allowed. The respondents are directed to release the retiral benefits of the petitioner i.e. Pension, Gratuity, Communication of Pension and Leave Encashment etc alongwith interest @ 6% within two months from the date of receipt of this order.

30.9.2011
rajeev

(NIRMALJIT KAUR)
JUDGE