

(2008) 01 P&H CK 0189
In the Punjab And Haryana At Chandigarh

G.D. Gupta

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 22-01-2008

Acts Referred:

Citation : (2008) 01 P&H CK 0189

Hon'ble Judges : Jaswant Singh, J; Jasbir Singh, J

Bench : Division Bench

Judgement

Jasbir Singh, J.—Petitioner retired from service on August 31, 2005. He has filed this writ petition by stating that only provisional pension has been granted to him. Other retiral benefits have not been released in his favour.

2. In reply to the notice issued, it was said that on account of dependency of some departmental enquiry pending against the petitioner, full retiral benefits have not been released.

3. Vide order dated November 22, 2007, passed by this Court, matter was adjourned to today and the Enquiry Officer was directed to complete the inquiry before this date. Shri Rathee has put on record, report made by the Enquiry Officer on January 17, 2008. Conclusion of the report reads thus:

In view of the facts brought out by Shri G.D. Gupta in the foregoing paragraphs, I agree that the process of arbitration/award has not become final as the State Government had challenged the award in the Court of the Additional District Judge, Karnal, who dismissed the plaint and the State Government has now gone in appeal to the High Court against the order of the lower Court. Since a similar situation existed in the disciplinary case against Shri M.K. Gupta, Superintending Engineer and the case against him has been withdrawn, I am of the opinion that, at this juncture, it will not be proper for me to proceed any further with this inquiry. However, on the conclusion of the case in the higher courts, if any fraud is found in the action of Shri G.D. Gupta as an arbitrator by the court, the state government may consider taking disciplinary action against him.

4. In view of findings, given by the Enquiry Officer, we feel that as on today, there is no reason with the respondents to stop payment of retiral benefits to the petitioner. Faced with the situation, Shri Rathee very fairly states that balance of the retiral benefits shall be paid to the petitioner within a period of two months, subject to right of the Government to initiate disciplinary proceedings, if need be, against the petitioner after conclusion of pending litigation, as has been opined by the Enquiry Officer. It is left open to the petitioner to make representation with regard to any other amount, which may have fallen due to him other than the retiral benefits and in case any representation is made by him in that regard, the same shall be decided by the authorities concerned within a period of three months from the date of receipt of representation.

5. In view of the findings, given above, this writ petition stands disposed of.