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

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CWP-19488-2023

Date of Decision: **12.05.2026**

Harjinder Pal

....Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Ashok Sharma with Ms. Gauri Sharma, Advocates the
petitioner.

Ms. Pratibha Bali, AAG Punjab.

Mr. Sarbuland Mann, Advocate for respondent No.3.

HARPREET SINGH BRAR, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing respondent No.3 to release the balance retiral dues amounting to Rs.8,00,000/- along with interest @ 9% per annum from 31.07.2022 till the date of actual realization.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was initially appointed as a Clerk with respondent No.3 on



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20.12.1996 and was thereafter allowed to retire prematurely from service w.e.f. 31.07.2022, as is evident from order dated 09.08.2023 (Annexure P-1). It is submitted that against the total retiral dues amounting to Rs.15,16,800/-, the petitioner has been paid only a sum of Rs.8,00,000/- and the remaining amount has been illegally withheld by respondent No.3. Learned counsel further submits that the petitioner served a written representation dated 09.05.2023 (Annexure P-3) requesting release of the withheld retiral benefits, however, no decision has been taken thereupon till date.

3. On the other hand, learned counsel for respondent No.3 submits that a vigilance inquiry was initiated, which subsequently culminated in registration of FIR No.32 dated 18.07.2024 under Sections 406, 420, 465, 467, 468, 471 and 120-B IPC read with Sections 13(1)(a) and 13(2) of the Prevention of Corruption Act, 1988 at Police Station Vigilance Bureau, Patiala, wherein the petitioner has also been arrayed as an accused. It is, thus, contended that the retiral dues of the petitioner have been withheld on account of the pendency of the aforesaid criminal proceedings.

4. I have heard the learned counsel for the parties and perused the records with their able assistance. It transpires that the petitioner was retired by acceptance of his premature leave on 31.07.2022. On the day of his retirement there was no chargesheet or disciplinary proceedings pending against him. Further, the Service Book Entry of the petitioner signed by the



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Executive Officer, Municipal Council, Nabha clearly stipulates that on 31.07.2022, the petitioner's entitlement towards his retiral dues were amounting to a total of Rs.15,16,800/-.

5. It is a settled principle of law that in regard to grant of retiral benefits to the retired employee the position is to be seen on the day when an employee retires. As per settled principle of law settled by the Three Judge Bench of the Hon'ble Supreme Court of India in ***Union of India Vs. K.V. Jankiraman, 1991(3) SCT 317***, the proceedings can only be termed as pending in case a charge sheet is served in a departmental proceeding or the charges have been framed in a criminal proceeding by the Competent Court of Law. The Hon'ble Apex Court speaking through Justice P.B Sawant observed 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.....”



6. Reliance in this regard may also be placed on the judgement rendered by this Court in ***CWP No.3493 of 1986, L.R.Dhawan Vs. State of Haryana & others***, and in ***CWP No. 20687 of 2012, Amarjit Singh Vs. Punjab State Civil Supplies Corporation Limited & another***.

7. The contention advanced by learned counsel for the respondents that a vigilance inquiry was pending against the petitioner is wholly misconceived. Admittedly, no charge-sheet had been served upon the petitioner in any departmental proceeding, nor had any criminal prosecution culminated into framing of charges by a competent Court of law prior to his retirement. Consequently, no legal impediment existed which could justify withholding of the petitioner's retiral benefits.

8. In the absence of any pending departmental or criminal proceedings on the date of retirement, coupled with the categorical acknowledgment of the petitioner's entitlement in the Service Book Entry (Annexure P-3), the respondents were under a legal obligation to release the entire retiral dues within a period of two months from the date of retirement, in terms of the Full Bench judgment of this Court in ***A.S. Randhawa Supg. Engineer (Retd.) vs. State of Punjab, 1998 (1) SCT 343***.

9. The default on the part of the respondents thus occurred on 30.09.2022 itself, when they failed to release the retiral benefits lawfully due to the petitioner. Significantly, the petitioner's entitlement to the said amount was never in dispute and stood duly acknowledged by the respondents themselves.

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10. In view of the apparent facts and settled law, the present writ petition is allowed and respondents No.3/competent authority is directed to release all the pending retiral dues accrued to the petitioner along with interest 6% per annum, to be calculated from the date of filing the present writ petition till actual payment. The needful be done within a period of three months from the date of receipt of certified copy of this order.

11. Pending miscellaneous application(s), if any, shall also stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

12.05.2026*Puneet Chawla*

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No