

2025:PHHC:049967



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

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**CWP-27863-2024**  
**Date of Decision: 08.04.2025**

**VIJENDRA SINGH**

... Petitioner

VERSUS

**STATE OF HARYANA AND OTHERS**

... Respondents

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

Present: Mr. Sunil K. Nehra, Advocate  
for the petitioner.

Ms. Dimple Jain, DAG, Haryana.  
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**VINOD S. BHARDWAJ, J. (ORAL)**

Challenging the impugned order dated 19.06.2024 (Annexure P-11) to the extent of denying salary and other allowances to the petitioner for the period from the date of suspension i.e. 06.07.2008 till the date of his rejoining in service i.e. 06.05.2021, the present writ petition has been filed. A further prayer for granting various other consequential benefits has also been made, however, arguments were confined to release of the pensionary benefits to the petitioner, at this stage.

Learned counsel contends that the petitioner was appointed as HCMS Doctor on regular basis with the respondent-Department and he joined on 02.08.2002. A false FIR No.22 dated 26.05.2008 was registered against the petitioner by the State Vigilance Bureau, Rohtak under Sections 120-B and 420 of IPC read with Section 13 of the Prevention of Corruption Act, 1988. He was suspended w.e.f. the date of his arrest i.e. 06.07.2008 vide order dated

05.11.2008. The petitioner was eventually acquitted by the trial Court vide judgment dated 12.05.2016. A representation was thereafter submitted by the petitioner to the Addl. Chief Secretary on 31.05.2016 praying for his reinstatement. The said representation was followed by numerous reminders, but no action was taken by the respondents, whereupon the petitioner approached this Court by way of CWP No.557 of 2021 for directing the respondents to reinstate the petitioner and further to consider the suspension period as a duty period for all intents and purposes and for releasing the salary of suspension period alongwith market rate of interest. The said writ petition was disposed of vide order dated 12.01.2021 with a direction to the respondents to decide the representation dated 24.11.2020.

In compliance thereto, the petitioner was reinstated in the service vide order dated 29.04.2021 passed by the Addl. Chief Secretary to the Government of Haryana. Despite the reinstatement and joining of the petitioner in service on 06.05.2021, the period of suspension from 06.07.2008 to 05.05.2021 was not treated as a duty period by the Competent Authority and no order was passed qua the same.

A fresh representation was accordingly submitted by the petitioner to the Director General, Health Services Haryana on 21.06.2021 followed by another representation dated 14.06.2022 to the Additional Chief Secretary.

As no decision was taken by the respondents thereupon, the petitioner again approached this Court by filing CWP No.17831 of 2022 for directing to the respondents to treat the suspension period from 06.07.2008 to 05.05.2021 as a duty period for all intents and purposes and also to release the full salary for the said period alongwith interest at market rate. The same was

again disposed of by this Court in view of the statement made by the counsel for the respondents therein that the disciplinary proceedings pending against the petitioner shall be finalized within a period of six weeks from the receipt of copy of that order and in case, any benefit is payable to the petitioner, the same shall be released after conclusion of disciplinary proceedings.

Since no action was taken by the respondents, COCP No.1300 of 2024 was instituted, wherein a compliance report was filed by the office of Director General, Health Services, Haryana, as per which the charges against the petitioner were dropped and a warning was issued to him to be careful in future, vide order dated 26.01.2024.

Vide order dated 19.06.2024, it had also been decided by the Government that the entire suspension period from 06.07.2008 to the date of rejoining i.e. 06.05.2021 shall be treated as duty period for pension and other benefits, however, no salary or other allowances would be permitted for this period on the principle of 'No Work No Pay'. The petitioner, in the meanwhile, had retired from service on 31.01.2024 and only the GPF amount to the tune of Rs.6,05,980/- has been released and no other retiral benefits have been released. The petitioner has now approached this Court against the order dated 19.06.2024.

A written statement has been filed by the respondents wherein it is stated that the department has already forwarded the case of the petitioner to the office of Principal Accountant General, Haryana and has requested for issuance of pension payment orders in favour of the petitioner. The case was forwarded manually due to lack of furnishing of the identity proof by the petitioner including details of his pending divorce case. The office of the Principal

Accountant General, Haryana asked the department to provide the details of the petitioner like Parivar Pahchan Patra (Family ID), details of family of the petitioner, nominee of the petitioner and the documents relating to the matrimonial status for ascertaining the nominee. The petitioner was contacted for providing the abovesaid details, however, the petitioner denied to provide the same and submitted an affidavit (Annexure R-3) in this regard. It is vehemently argued by the State Counsel that the Department has repeatedly asked the petitioner to provide the requisite details so that the Authority concerned may be requested to release the retiral benefits in favour of the petitioner, however, no response is forthcoming from the petitioner side.

Responding to the above, learned counsel for the petitioner contends that the sole reason behind the non-release of the outstanding retiral benefits to the petitioner is the non-submission of Family ID by the petitioner. He submits that as per the procedure, the registered mobile numbers of the family members are required to be fed in the online system and an OTP is thereafter generated and sent to the respective registered mobile numbers, for verification, before a Family ID is generated. He contends that on account of estranged relations with his wife, with whom divorce proceedings are already pending, the petitioner neither has access to the mobile number of his wife nor his wife is willing to share the OTP, hence he is not in a position to provide copy of the Family ID. The said hardship was also specifically pointed out by him during hearing held on 28.11.2024 and the same was noticed by this Court. It was hence directed by this Court that the case of the petitioner be processed manually unless there is any technical impediment in the same.

It is submitted that notwithstanding the same, the respondents are still at the same spot and despite the petitioner having already submitted an affidavit specifically stating that he does not want to carry out any change in the name of his wife or nomination and that they have been living separately since 2017 and that a divorce petition No.8 of 2021 had been instituted by him which is still pending, yet, the respondents have refused to release the benefits and they have still chosen to adopt the same bureaucratic mindset and deprive the petitioner of his rightful benefits.

This Court, while adjourning the case for today on 21.01.2025, had directed the respondents to take appropriate steps to ensure that all pensionary and other admissible benefits are released in favour of the petitioner within a period of six weeks, failing which, liability could be fastened by this Court. Undisputedly, the needful has not been done by the respondents and they have not been able to assign any reason other than already noticed by this Court notwithstanding a direction was also issued to process the case manually. No other technical impediment has been pointed out by the respondents. The State, being confronted with such a scenario, cannot be permitted to stick to a stand that since its online procedure does not contemplate acceptance and processing of claim in any other manner, it is helpless in proceeding any further. The online procedure has been created as a means of expeditious consideration of claim and the same cannot be assigned to a status where a statutory right to claim the retiral dues is completely thwarted for non-compliance of procedure. Every procedure adopted by the State should have an inherent mechanism to cater to every perceivable hardship. If the system fails to devise or provide for redressal of genuine grievances, the obligation and liability on account of such

failure, befall on the State. Even today, the State has no mechanism to address to a problem such as the one in hand i.e. where the petitioner is required to submit PPP (Pariwar Pahchan Patra) but the same is not being generated due to non-access to the OTP being sent to the estranged spouse.

The unexplained failure on the part of the respondents, despite a lapse of nearly three months, only shows a lackadaisical bureaucratic lay hands off approach by the respondents. This Court thus deems it appropriate to burden the respondents with costs of Rs.50,000/- to be paid with the Poor Patients Welfare Fund, PGIMER, Chandigarh.

The instant writ petition is disposed of with a direction to the respondents to process the pension papers of the petitioner manually and all admissible retiral benefits be released in his favour within a period of eight weeks from the date of receipt of certified copy of this order, failing which the petitioner shall be entitled to an interest at the rate of 9% per annum on the unreleased amount, which such financial burden may also be recovered by the State from the erring official(s).

With respect to the other prayers, the petitioner may, if so advised, make a fresh representation before the Authority concerned, which shall be decided by the respondents in accordance with law and within a period of four months of submission of such representation.

Disposed of in above terms.

**APRIL 08, 2025.**

*Rajender*

**(VINOD S. BHARDWAJ)  
JUDGE**

*Whether speaking/reasoned* : Yes/No

*Whether reportable* : Yes/No