



concluded on 06.08.2025 and minor punishment of cut off 5% in pension for one year was imposed. Further, despite of the conclusion of the proceedings, the imposition of minor penalty, the retiral benefits of the petitioner were not released. The petitioner served a legal notice on 21.04.2025 which remained unanswered. He further relies upon the judgment of this Court in 'Punjab State Civil Supplies Corporation Ltd. Vs. Pyare Lal' 2015 (1) PLR 617 and submits that retiral benefits cannot be withheld merely due to pendency of a charge sheet.

3. Per contra, the learned State counsel appears on behalf of respondents No.1 to 5 on receipt of advance notice and is not in a position to controvert the fact that no disciplinary proceedings can be initiated after retirement pertaining to a misconduct which is four years prior to the date of the retirement in terms of Rule 2.2 (b).

4. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner retired on 30.04.2023 and a charge sheet (Annexure P-4) was issued on 29.01.2024 after the retirement of the petitioner. Further, the statement of charge sheet reveals that the alleged misconduct had taken place on 26.11.2017 which took more than 5 years from his date of retirement on 30.04.2023.

5. It is no longer *res integra* that in case the disciplinary or criminal proceedings are pending against an employee on the date of retirement, the employer would be well within its right to withheld the gratuity as well as the leave encashment. However, the Hon'ble Supreme Court in 'Union of India Vs. K.V. Jankiraman' 1991 (3) SCT 317 has authoritatively laid down that the pending proceedings would mean if a charge sheet is served in departmental



proceedings or the charges have been framed in criminal proceedings by the competent Court of law on the date of retirement of an employee. The relevant paragraph of the 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."

6. Admittedly, at the time of retirement neither any charge sheet was pending against the petitioner nor any criminal proceedings were pending before any Court of law. The respondent-Corporation is not entitled to



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withhold the pensionary benefits of the petitioner. The case of the petitioner is further covered by the judgment rendered by this Court in CWP No.3493 of 1986 titled as 'L.R. Dhawan Vs. State of Haryana' and it is further reiterated in CWP No.20687 of 2012 titled as 'Amarjit Singh Vs. Punjab state Civil Supplies Corporation Ltd.'

7. In view of the discussion above, the present writ petition is disposed of and the respondent-Corporation is directed to release the retiral dues of the petitioner along with interest @ 6% per annum to be calculated after two months from the date of retirement till actual payment within a period of three months from the date of receipt of certified copy of this order.

8. Pending miscellaneous applications, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

17.09.2025

Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No