

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

...

**OA No.060/01112/2017**

**Chandigarh, this the 23<sup>rd</sup> day of October, 2018**

...

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)  
HON'BLE MRS. AJANTA DAYALAN, MEMBER (A)**

...

Harkesh Singh Sidhu, aged 64 years, S/o S. Dalip Singh, IAS (Retd.), Special Secretary, Labour, Government of Punjab, R/o House No.6, Phulkian Enclave, Jail Road, Patiala (Group-A).

**....APPLICANT**

**(Present: Mr. R.K. Sharma, Advocate)**

**VERSUS**

1. Union of India through Secretary to Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, North Block, New Delhi-110001.
2. State of Punjab, through Chief Secretary, Government of Punjab, Punjab Civil Secretariat, Chandigarh.
3. Secretary to Government of Punjab, Department of Personnel, Punjab Civil Secretariat, Chandigarh.
4. Union Public Service Commission, through its Secretary, Dholpur House, Shahjahan Road, New Delhi.

**....RESPONDENTS**

**(Present: Mr. Ram Lal Gupta, counsel for respondent no.1.  
Mr. Rakesh Verma, counsel for respondents no.2 & 3.  
Mr. B.B. Sharma, counsel for respondent no.4)**

**ORDER (Oral)**

***SANJEEV KAUSHIK, MEMBER (J):-***

1. The applicant, Harkesh Singh Sidhu, IAS (Retd.) of 2001 Batch is before this court for invalidation of disciplinary proceedings pending against him, on various grounds. Another prayer has been made that since he has retired on 31.01.2014, i.e. prior to initiation of departmental proceedings, therefore, let a directions be issued to the respondents to release the amount of gratuity, which has been withheld.
2. The pleadings were exchanged between the learned counsel for the parties. Learned counsel representing the State of Punjab submitted that they have already concluded the departmental proceedings in terms of directions issued by Government of India and forwarded entire record for taking appropriate decision, which is strongly opposed by senior standing counsel for Government of India, stating that they have not yet received that record, so the matter cannot be decided. He also produced a communication dated 28.05.2018 (Annexure R-2), where they again requested Government of Punjab to forward the complete record, so that the proceedings can be taken to its logical ends.
3. Mr. Rakesh Verma, learned counsel for respondents no.2 & 3 submitted that they be granted 10 days time, so that they can forward complete record to Government of India, if not

forwarded already, who is competent authority to take a final decision in the matter.

4. Learned counsel for the applicant submitted that let a time frame be given to Government of India to decide pending proceedings, as the applicant is suffering for long time, and also he has not received the amount of gratuity.
5. Therefore, we direct the State of Punjab to send complete record through special messenger, within 10 days from today, to Government of India, if not already send, and who will take final decision expeditiously, but in any case not later than two months, by passing necessary order.
6. In the meantime, the State of Punjab will consider the request of the applicant for release of gratuity in terms of rule formation, within one month from today. We dispose of the present petition, with liberty as prayed by learned counsel for the applicant that in an eventuality, if the proceedings go against the applicant, then he can raise the grounds, which the applicant has raised in this petition alongwith the available grounds also, in appropriate proceedings. No costs.

**(AJANTA DAYALAN)**  
**MEMBER (A)**

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**(SANJEEV KAUSHIK)**  
**MEMBER (J)**

**Dated: 23.10.2018.**