

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

CWP-15667 of 1997 (O&M)

Date of Decision : 20.05.2015

V.S. Nagendra Nath

.... Petitioner

Vs.

Union of India & ors.

.... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : None for the petitioner.

Mrs. Balwinder Kaur, Senior Panel Counsel
for the Union of India.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J.(Oral)

On 09.01.2015 the following order was passed :-

“ Since the learned counsel who was representing the petitioner has been elevated to the Bench, let actual date notice be issued to the petitioner for 12.05.2015.

Office is also directed to inform Sh. Anil Rathee, learned counsel for the respondents, about the next date of hearing.”

Notice was issued to the petitioner since the petition had been filed by Sh. R.S. Randhawa, Advocate as His Lordship then was. As per office report, notice issued to the petitioner has not been received back served or otherwise. However learned counsel for the Union of India states that by order dated 04.01.1999 the order removing the petitioner from service was withdrawn and as per his application for pre-mature retirement he was held retired w.e.f. 04.04.1997. Learned counsel for the respondents

further refers reply to para 1 of affidavit dated 27.04.1998 which is to the following effect :-

“1. That in reply to para No.1 of the affidavit, it is submitted that there is no dispute filing of writ petition, however, so far as show cause notice calling upon him to show cause as to why his entire pension should not be forfeited is concerned, this averment of the petitioner-deponent is nothing else except a misnomer. There is no document on record which show that no such notice was ever given to the petitioner. However, it is material to mention here that vide order dated 4.1.1999, the President of India was pleased to sanction full pensionary benefits to the petitioner w.e.f. 4.4.1997 to which he would have been entitled to, had he retired in the normal manner on the date of removal from the service and the Pensioning Authority has already started paying amount to the petitioner.”

Learned counsel for the respondents states that now the President has sanctioned full pensionary benefits to the petitioner w.e.f. 04.04.1997 and consequently the present petition has been rendered infructuous.

None has entered appearance on behalf of the petitioner. In the circumstances, this petition is disposed of as having been rendered infructuous. However, the petitioner would be at liberty to revive this petition if anything survives.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

May 20, 2015
Pooja Sharma-I

(AJAY TEWARI)
JUDGE