

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 19461 of 2015

Date of Decision: 15.09.2015

Amarjit Kaur

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice G.S.Sandhawalia.

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

Present: Mr. Balbir Singh Jaswal, Advocate
for the petitioner(s).

G.S.Sandhawalia, J.

The present petition has been filed for seeking direction to the respondents to accept notice dated 15.8.2005 (Annexure P4) given by the petitioner under Voluntary Retirement Scheme.

Perusal of the petition would go on to show that the petitioner, who was working as a Math Mistress, had taken Ex-India Leave w.e.f. 3.1.2001 to 2.7.2001 on 22.12.2000 (Annexure P1). She applied for extension but did not join till 28.7.2005, which would be clear from Annexure P3. Thereafter, she submitted her application for pre-mature retirement and has served legal notice dated 2.11.2013

(Annexure P5).

It is the case of the petitioner that even a sum of ₹ 41,439/- was deposited as three months' pay. It is not disputed that the petitioner, after joining in 2005, had again absented. Though it has not been averred but it is obvious that the department would have initiated the proceedings against the petitioner for absence of 4½ years at one point of time and ten years thereafter.

In such circumstances, the respondent No.2 is directed to decide legal notice dated 2.11.2013. It is made clear that it will be open to the said respondent to complete the disciplinary proceedings, if any, which have been initiated against the petitioner by serving her through the counsel who served the legal notice. The necessary exercise be completed within a period of six months from the date of receipt of a certified copy of this order. It is also made clear that the observations made herein would not give any right to the petitioner for the claim of voluntary retirement and the respondent No.2 shall decide the legal notice on merits of the case, within two months.

With the above observations, the present petition is disposed of.

(G.S.Sandhawalia)
Judge

September 15, 2015

"DK"