

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

CWP No. 20982 of 2014 (O&M)

Date of decision: 13.07.2015

Karam Paul Jindal

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Jai Bhagwan, Advocate for the petitioner.

Mr. Mehardeep Singh, DAG, Punjab.

Mr. Aseem Kataria, Advocate for

Mr. Madan Lal, Advocate for respondent No.5.

Jitendra Chauhan, J. (Oral)

By way of the instant writ petition, under Articles 226/227 of the Constitution of India, the petitioner seeks issuance of directions to the respondents for grant of pensionary benefits i.e. Pension, gratuity, value of pension and leave encashment etc.

The grievance of the petitioner could not be addressed as the case of the petitioner was not routed through the proper authority. The petitioner had submitted his application along with pension case to the District Education Officer but did not enclose the original service book and did not move through the proper authority i.e. School Head master/Head mistress or incharge of the school in the

absence of Head Master/Mistress. The petitioner sent his case through an unknown approved managing committee not recognized by the Department. Accordingly, the case of the petitioner was sent back vide letter dated 21.04.2014 (Annexure P-7) with an advice to send the pension case through the proper authority.

It is to be noticed that there is a dispute between the committee members which is pending adjudication before the Court of Addl. District & Sessions Judge, Sangrur. The District Education Officer has been working as a correspondent of respondent No.5, which is not a committee approved by the Department since 2008. Further it is reflected that on account of the pendency of FIR No. 220 dated 14.10.2009 against the petitioner, the matter could not be finalized.

On the other hand, the learned State counsel submits that the benefits to the petitioner could not be released on account of pendency of the FIR No. 220 dated 14.10.2009 against the petitioner. It is submitted that respondent No.5 is not a committee approved by the Department since 2008 and has no authority to sign any document of the said school under any capacity.

Heard.

The sum and substance of the reply and the submissions made by the learned State counsel is that the benefit claimed by the petitioner could not be released on account of non submission of

papers through proper authority. However, the learned State counsel is unable to name the approved managing committee.

Considering the factual aspect of the matter, the present petition is disposed of with a direction to the petitioner to seek verification from the District Education Officer, Sangrur with regard to approved management Committee and shall move his case through approved management committee. On receipt of such a request, the competent authority shall decide the same within eight weeks. In case, there is no impediment in releasing the payment in favour of the petitioner, the same be released within eight weeks thereafter.

13.07.2015

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(JITENDRA CHAUHAN)
JUDGE