

In the High Court of Punjab and Haryana at Chandigarh

**Civil Writ Petition No. 3618 of 2012
Date of Decision: 14.1.2016.**

Rattan Lal

.....Petitioner

Versus

State Bank of Patiala and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. H.N.Mehtani, Advocate
for the respondents.

SABINA, J.

Petitioner has filed this petition under Article 226 of the Constitution of India challenging the charge sheet dated 20.2.2009 (Annexure P-4) and order dated 16.7.2009 (Annexure P-10).

On 23.4.2015, following order was passed by this Court:-

“As per the punishment order the penalty of removal from service with superannuation benefits i.e. pension / provident fund and gratuity was imposed upon the petitioner.

Learned counsel for the petitioner states that till date neither pension/ provident fund nor gratuity has been paid to the petitioner.

Learned counsel appearing on behalf of the respondent-

bank prays for time to ascertain this fact.

Adjourned to 01.5.2015'

On 1.5.2015, following order was passed by this Court:-

"On April 23, 2015, learned counsel for the petitioner had stated that petitioner has neither been paid any pension/provident fund nor gratuity.

On such statement, learned counsel for the respondent-Bank had prayed for time to ascertain whether the retiral dues had been paid to the petitioner.

Today, learned counsel appearing on behalf of respondent- Bank has placed on record a summary of retiral dues which have been adjusted towards the amounts of loan out standing against the petitioner and he further states that gratuity has not been paid to the petitioner. Copy of the same has been handed over to the learned counsel for the petitioner.

Learned counsel for the petitioner prays for time to ascertain the facts so mentioned in the summary of accounts as mentioned above and to seek instructions as to whether any other retiral dues are still pending towards the respondent-Bank.

Adjourned to 18.05.2015."

On 18.5.2015, following order was passed by this

Court:-

"Learned counsel for the petitioner states that certain retiral dues still remain unpaid by the respondent-bank.

Let a specific affidavit be filed on behalf of the petitioner

to show so as to on which account the retrial dues still remain payable by the respondent-Bank.

Adjourned to 17.8.2015.”

On 5.11.2015, following order was passed by this Court:-

“Stand taken by the respondents is that amount of gratuity could not be released to the petitioner because he did not submit requisite documents till 12th May, 2015. Matter is under process and amount of gratuity as due as per the Bank's norms will be released to the petitioner at the earliest

In view of this affidavit, it is directed that the amount of gratuity calculated as per the norms of the Bank be released within a period of six weeks from the date of receipt of certified copy of this order.

Learned counsel for the petitioner submits that interest on delayed payment of gratuity is also payable by the respondents.

Learned counsel for the respondents prays for time to seek instructions.

List on 14.01.2016.”

Learned counsel for the respondents has submitted that the provident fund dues amounting to ₹ 6,66,339.26 paisa were released to the petitioner vide cheque dated 2.2.2015 and were credited in his current account overdraft limit and adjusted to the amount in the loan account raised by the petitioner by exercising the right of 'set off'. Vide draft dated 9.12.2015, amount

of ₹ 3,67,185/- (₹ 3,50,000/- towards gratuity and ₹ 17,185/- by way of interest) have been paid to the petitioner.

Since the petitioner has been released the amount of provident fund and gratuity, this petition has been rendered infructuous and is disposed of accordingly.

However, in case petitioner feels that some other benefit is due towards him, he would be at liberty to avail other appropriate remedy, in accordance with law.

**(SABINA)
JUDGE**

January 14, 2016
Gurpreet