

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

CWP No. 20956 of 2015

Date of Decision: 24.10.2016

SATISH CHAND SHARMA

... Petitioner

V/s

STATE OF PUNJAB AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Onkar Singh, Advocate,
for the petitioner.

Mr. Rajat Bansal, AAG, Punjab.

KULDIP SINGH, J (ORAL)

The petitioner has preferred the present writ petition under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to pay interest on the delayed payment of the GPF amount and to pay ₹ 1,72,800/- for the duties performed by the petitioner during the period for which he was entitled to leave preparatory retirement (LPR) as per Rules.

Brief facts of the present case are that, the petitioner joined the department of respondent No. 2 on 09.02.1977 and was working as Store Supervisor. He was due to retire on 30.04.2013. However, vide letter dated 08.10.2012 (*Annexure P-1*), Government of Punjab took the decision for grant of extension of one year service to the employees, if the employee opts for the same. Accordingly, the petitioner opted for the said benefit of one year's extension in service and now he was due to retire on 30.04.2014.

The petitioner had applied for withdrawal of 90% of GPF vide application dated 01.07.2013 (*Annexure P-4*). Vide letter dated 20.09.2013

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(Annexure P-5), the Government of Punjab took decision to grant extension of one more year.

It comes out that the petitioner also applied for leave preparatory retirement (LPR) vide letter 05.12.2013 (Annexure P-7) for the period 06.01.2014 to 29.04.2014. It also comes out that sanction for withdrawal of 90% GPF amount was sanctioned to the petitioner vide order dated 01.07.2013 (Annexure P-4). However, the Director Sports, Punjab vide letter dated 10.01.2014 (Annexure P-10) and vide letter dated 06.01.2014 (Annexure P-8), asked the petitioner to submit the option whether he wants further one year's extension in service or not as per the instructions of the Punjab Government. The petitioner did not submit his reply to the aforementioned letters. At the same time, he did not avail the extension in service for another one year and ultimately retired from service on 30.04.2014. His GPF was released in July, 2014 and therefore, LPR could not be granted to him. Now, the petitioner alleges malafides against respondent No. 3, Deputy Director Sports, Punjab and claims interest on the delayed payment of GPF amount and salary equal to three months in lieu of LPR which was not sanctioned to him.

I have heard learned counsel for both the parties and carefully gone through the file.

After going through the file, I am of the view that though 90% GPF amount was sanctioned but as per the Government's instructions, the same is to be sanctioned for the employees who apply for the same six months prior to the date of the retirement. Since, the Government, in the meanwhile, had decided to grant extension of one more year, the petitioner

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was asked to submit option as to whether he wants extension in service for one more year and to see whether the withdrawal of 90 % GPF falls within 6 months before the date of retirement. The petitioner did not reply the said letters. Therefore, the competent authority was justified in not releasing the GPF until the reply of the petitioner is received. Similarly, the petitioner did not specify that he does not want to avail further extension so that LPR could be granted to him.

In these circumstances, it appears to be clearly a case of an ego I ssue. The petitioner did not reply to the letters of his superiors and consequently no action could be taken on the same.

In view of the foregoing discussion, there are no merits in the present writ petition. Hence, the same is dismissed.

October 24, 2016
Suresh Kumar

(KULDIP SINGH)
JUDGE

<i>Whether speaking / reasoned</i>	✓ <i>Yes</i> / <i>No</i>
<i>Whether Reportable</i>	✓ <i>Yes</i> / <i>No</i>