

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.1375 of 2016 (O&M)

Date of Decision: August 03, 2016

State of Punjab and others

.....Appellants

versus

Suneet Verma

.....Respondent

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE SUDIP AHLUWALIA.**

Present: Mr.P.C.Goyal, Advocate, for the appellants.
Mr.Vikas Chatrath, Advocate, for the respondent.

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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?

Surya Kant, J. (Oral)

Notice of motion.

On our asking, Mr.Vikas Chatrath, Advocate, accepts notice on behalf of the respondent.

Let two copies of the paper book be handed-over to him during the course of day.

Heard learned counsel for the parties.

This letters patent appeal is preferred against the order dated 30.05.2016 whereby learned Single Judge has rejected the appellants' objection against entitlement of the respondent towards service benefits earned while he was in the service of appellants till he resigned on his absorption in some other Government organization.

The facts are not in dispute. The respondent joined the appellant-Department as Accounts Clerk on 14.07.1995 and earned three

promotions before he went on deputation in a Government organization in the year 2011 where he was eventually absorbed. The respondent, therefore, had to submit technical resignation to the appellants which was accepted on 14.09.2012. The appellants vide the order under challenge before the learned Single Judge, declined to grant service benefits to the respondent on the ground that he had resigned from service.

The aforesaid plea of the appellants has been rejected by learned Single Judge and in our considered view, rightly so. Mere resignation as a result of absorption in another Government organization would not *ipso facto* deprive the respondent from the service benefits which accrued in his favour as per the length of his service with the appellants. However, if there is any other valid reason to hold the respondent not entitled to such benefits, the appellants are at liberty to pass a reasoned order to this effect within the scope of the directions given by learned Single Judge for re-examination of the whole issue.

Let the due service benefits be given to the respondent and/or a reasoned order be passed within a period of three months from the date of receiving a certified copy of this order. The respondent shall be heard in person wherever the authorities have any doubt on his entitlement. The question of parity claimed by the respondent shall also be kept in view.

The appeal stands disposed of accordingly.

[SURYA KANT]
JUDGE

August 03, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned
Whether Reportable

: **Yes/No**
: **Yes/No**

CM No.2880 of 2016 in
LPA No.1375 of 2016

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State of Punjab and others versus Suneet Verma

Present : Mr.P.C.Goyal, Advocate,
for the applicant-appellants.
Mr.Vikas Chatrath, Advocate,
for the respondent.

* * *

For the reasons mentioned in the application, the same is
allowed subject to all just exceptions and 01 day's delay in filing the appeal
is condoned.

CM stands disposed of.

(SURYA KANT)
JUDGE

August 03, 2016
mohinder

(SUDIP AHLUWALIA)
JUDGE