

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

CWP-15957 -2014 (O&M)

Date of decision: 30.03.2017

Dr.J.S.Madhok

.....Petitioner

versus

The Oriental Insurance Company Limited and othersRespondents

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.Chandan Deep Singh, Advocate for the petitioner
Mr.Sanjiv Pabbi, Advocate for the respondents

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh, J. (Oral)

Petitioner while working as a Senior Manager in Oriental Insurance Company Bathinda submitted an application dated 16.5.2007 for voluntary retirement along with cheque in lieu of three months' salary. Thereafter, the petitioner stopped attending the office after handing over the charge. It appears that the respondents were not inclined to accept the same. Therefore, vide letter dated 4.6.2007 (Annexure R1), he was directed to report for duty. Vide another letter dated 3.7.2007 (Annexure R2) his request for voluntary retirement was rejected and he was directed to report for duty. Since the petitioner did not report for duty, he was ultimately served with a charge sheet and vide order dated 22.12.2008 (Annexure P2). After holding an inquiry, he was ordered to be removed from service which shall not be a disqualification for future employment. It comes out that the appeal against the said order was dismissed by the appellate authority. Thereafter, the petitioner made various representations dated 24.4.2010 (Annexure P3), dated 14.1.2012 (Annexure P4), dated 4.2.2013

(Annexure P5) and letter dated 1.5.2014 (Annexure P6) for release of retiral benefits, leave encashment and compassionate allowance in terms of Rule 32 of the Pension Scheme 1995. It comes out that the said representations/ letter Annexure P3 to P6 have not been decided by the respondents. Admittedly, an employee, who has been removed from service, is not entitled to pension but the respondents Under Rule 32 of the Pension Scheme, 1995, are competent to sanction compassionate allowance, if the case is deserving special consideration. Such compassionate allowance cannot be exceeding 2/3rd of the pension which would have been admissible to him on the basis of his qualifying service rendered upto the date of dismissal, removal or compulsory retirement etc.

In these circumstances, when the matter of compassionate allowance has not been finally decided, the present writ petition is disposed of with directions to the respondents to consider the request/ letter/ representation (Annexures P3 to P6) and pass a speaking order within two months from the date of receipt of a certified copy of this order regarding the request of the petitioner to grant him compassionate allowance in terms of Rule 32 of the Pension Scheme 1995. Needless to say that before passing such order, the petitioner shall be heard. To avoid unnecessary delay, the petitioner is directed to appear before the respondents along with a certified copy of this order and the period of two months for deciding the request/ letter/ representation (Annexures P3 to P6) shall start from the said date. If, any adverse order is passed, the petitioner is always at liberty to take legal recourse.

30.03.2017*gk*

Whether speaking/ reasoned:

Whether Reportable:

**(Kuldip Singh)
Judge**

Yes

No