

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP No. 11534 of 2017 (O/M)  
Date of decision : 24.5.2017

Harbhajan Singh

..... Petitioner (s)

Versus

State of Punjab and others

..... Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Manmeet Singh Rana, Advocate, for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

-. -

-. -

KULDIP SINGH J. (ORAL)

The petitioner was working as a Master with the Education Department in Punjab State since 10.2.1979. He obtained half pay leave from 18.7.1994 till 15.10.1994. Thereafter, he got leave extended upto 13.1.1995. Thereafter, it appears that the petitioner settled in United States of America and did not come back. In the year 2017, he has come back to India to claim the retiral benefits.

I am of the view that it is a case where the petitioner abandoned his service. Now, after 22 years, he has come back to India. On account of abandonment of his service, he is not entitled to any retiral benefits. However, for the GPF, already lying deposited with respondents, the petitioner can approach respondents for refund of the same. It is stated that the petitioner has already served a legal notice dated 27.3.2017 (Annexure-P-2) upon respondent No. 2. Therefore, let respondents No. 2 and 3 take a decision regarding refund of GPF only within two months from the date of

CWP No. 11534 of 2017 (O/M)

receipt of certified copy of this order.

The learned counsel for the petitioner has stated that the petitioner is not an Indian National. He has acquired USA Nationality, but he is having Overseas Citizenship of India (OCI) card. It being so, the petitioner is otherwise not entitled to remedy under Article 226 of the Constitution of India.

In view of the matter, the present writ petition is disposed of.

(KULDIP SINGH)  
JUDGE

24.5.2017  
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No