

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

CWP No. 19455 of 2015 (O&M)

Date of Decision: 30.03.2017

DAYA NAND

...Petitioner

VS.

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Sandeep Verma, Advocate,
for Mr. Minderjeet Yadav, Advocate,
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana\

KULDIP SINGH, J (ORAL)

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India praying for issuance of writ in the nature of mandamus for directing respondents to release the pensionary benefits to the petitioner and decide the representation dated 15.08.2015 (Annexure P-8).

Brief facts of this case are that the petitioner initially joined as Gardner in the respondent-Government College, Mahendergarh on 20.09.1980 and promoted to the post of Library Attendant on 01.09.1988 and retired as such on 31.05.2014, after rendering about 34 years of service with the respondent College. It comes out that all other retiral benefits have been released to the petitioner except payment of leave encashment .

The reply of the respondents shows that the retiral benefits have been withheld on the ground that he has not submitted the No Due Certificate (N.D.C.) and that he has himself assessed the loss and deposited ₹ 3393.75/- on 24.07.2014. It comes out that the petitioner has kept the keys of the library and has not handed over the charge of the entire library till date and failed to

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furnish an undertaking to the effect that he would make good the loss found, if any, while giving the charge.

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

I am of the view that if the petitioner has not submitted N.D.C., the respondent College can itself calculate the amount to be recovered from the petitioner and after withholding the said amount, remaining retiral benefits can be released.

However, even if, the petitioner failed to furnish said undertaking, it is ordered that even if the entire payment of leave encashment and GIS is released and later on, it is found that he had caused some loss and some amount is recoverable from him, the respondent college is always at liberty to recover the same after issuing show cause notice and passing a speaking order.

In view of the aforesaid discussion, the payment of leave0020encashment and GIS be released to the petitioner in above noted terms within two months from the date of certified copy of this order. Accordingly, the present petition is disposed of.

March 30, 2017

Suresh Kumar

**(KULDIP SINGH)
JUDGE**

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