

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

CWP No. 4254 of 2015 (O&M)

Date of Decision: 30.03.2017

KEWAL SINGH

...Petitioner

VS.

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. M. S. Dhami, Advocate,
for the petitioner.

Mr. Anshul Gupta, AAG, Punjab.

KULDIP SINGH, J (ORAL)

The petitioner has preferred this writ petition under Article 226 and 227 of the Constitution of India praying for issuance of writ in the nature of certiorari for quashing the order endorsed on 13.06.2003 (Annexure P-1) passed by the respondent No. 2. The prayer has also been made for issuance of writ in the nature of mandamus for directing respondents to take final decision on the appeal of the petitioner (Annexure P-3).

Brief facts of this case are that the petitioner who was working as Bus Conductor with Punjab Roadways, Nangal Depot, was dismissed from service w.e.f. 13.06.2003 (*Annexure P-1*). The present petition was filed in the year 2015.

During the course of hearing, learned counsel for the petitioner does not challenge the legality of the termination order endorsed on 13.06.2003 (*Annexure P-1*). However, he restrict his prayer only for release of GPF and leave encashment as gratuity is not payable to the dismissed employee.

Learned State counsel has contended that the petitioner is not appearing in the office of the respondents for filling up certain forms to claim GPF and leave encashment. Therefore, the same could not be released.

CWP No. 4254 of 2015 (O&M)

In view of the matter, the petition is disposed of with a direction that the petitioner shall appear before the office of respondent No. 3-General Manager, Punjab Roadways Nangal, District Ropar, alongwith certified copy of this order and fill in the requisite forms. On receipt of the order/duly signed forms, the respondents shall ensure that the GPF and leave encashment be released to the petitioner alongwith statutory rate of interest as per Government instructions w.e.f. 27.10.2014, the date on which the petitioner has served a legal notice (Annexure P-6) to the respondents.

March 30, 2017
Suresh Kumar

(KULDIP SINGH)
JUDGE

Whether speaking / reasoned :	✓ Yes / No
Whether Reportable :	Yes / ✓ No