

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 9467 of 2017 (O/M)
Date of decision : 4.5.2017

Vimal Madan alias Vimal Sehgal Petitioner (s)

Versus

State of Haryana and others Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Bharat Bhushan Sharma, 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 ?

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KULDIP SINGH J. (ORAL)

The petitioner claims that she is medically handicapped and from the year 1999, she could not attend the office. She was granted leave from time to time except for some period of 157 days. It is further stated that a chargesheet is pending against the petitioner for not joining at new place of posting. It is claimed that due to medical condition, the petitioner could not join at the new work station. It is further stated that the petitioner had attained the age of superannuation on 31.12.2013 and the retiral dues have not been released to her. The petitioner has already served a legal notice dated 27.1.2015 (Annexure-P-10) upon respondent No. 4 in response to reply to earlier legal notice dated 11.6.2014, sent through registered letter No. 2014/1093 dated 12.11.2014/24.11.2014, addressed to Shri Vaibhav Prashar, Advocate.

In these circumstances, this Court does not find any ground to interfere in the departmental proceedings at this stage. The petitioner can

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take all the available pleas before the disciplinary authority and produce the documents to claim that the disobedience of the transfer order is not willful.

Let the department take a decision regarding departmental proceedings.

Regarding the release of retiral benefits, the petitioner had already served a legal notice dated 27.1.2015 (Annexure-P-10) upon respondent No. 4 in response to reply to earlier legal notice dated 11.6.2014, sent through registered letter No. 2014/1093 dated 12.11.2014/24.11.2014, addressed to Shri Vaibhav Prashar, Advocate.

Let respondent No. 4-Civil Surgeon, Gurgaon, take a decision as to which benefits are to be withheld on account of departmental proceedings and which are to be released to the petitioner. Respondent No. 4-Civil Surgeon, Gurgaon, is to pass a speaking order within two months from the date of receipt of certified copy of this order, holding as to which of the benefits are to be released and which are not to be released to the petitioner with reasons thereof.

(KULDIP SINGH)
JUDGE

4.5.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No