

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

**COCP No. 286 of 2014 (O&M)
Date of Decision: 17.01.2018**

K.K. Verma

..... Petitioner

Versus

Sh. K.R. Kamath, Chairman-cum-Managing Director,
Punjab National Bank, New Delhi and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Arpandeeep Narula, Advocate
for the petitioner.

Mr. R.S. Bhatia, Advocate
for respondent No. 3.

JASWANT SINGH, J. (ORAL)

Petitioner-K.K. Verma, while working as Manager with the Punjab National Bank, was imposed the major penalty of “Dismissal from Service” vide order dated 17.04.1985. The order was upheld in the departmental appeal.

Learned Single Judge of this Court vide judgment dated 26.11.2007 (**Annexure P-1**) set aside the punishment order dated 17.04.1985 on the ground of violation of principles of natural justice, while permitting the respondent-Bank to proceed afresh from the stage of the said violation.

The LPA as well as the SLP filed by the respondent-Bank against the order dated 26.11.2007 (**P-1**) were also dismissed.

The respondent-Bank, after following the due procedure of law, concluded the disciplinary proceedings, which resulted into passing of a fresh order dated 15.01.2011, imposing the punishment of “Removal from

Service” w.e.f. 17.04.1985.

It transpires that before passing of the aforesaid fresh order of “Removal from Service”, the petitioner had filed a writ petition bearing **CWP No. 5404 of 2008**, seeking payment of retiral benefits on passing of the order dated 26.11.2007 (**P-1**) setting aside the initial dismissal order. The said writ petition was disposed of vide order dated 18.01.2011 (**Annexure P-4**) directing the respondent-Bank to release the retiral benefits, if otherwise, due within a period of one month, in view of the initial dismissal order having been set aside by the learned Single Judge of this Court vide order dated 26.11.2007 (**P-1**). However, in the LPA filed against the order dated 18.01.2011 (**P-4**) passed by this Court, the fact of passing of the fresh “Removal from Service” order dated 15.01.2011 was brought on record. In the light of observations of the LPA Bench that the punishment of “Dismissal Order/Removal from Service” was not justified, the respondent-Bank reconsidered the matter and vide a substituted order dated 16.04.2012 passed by the Appellate Authority, modified the penalty of “*Removal from Service/Dismissal to Compulsory Retirement*”. Resultantly, the LPA was disposed of vide order dated 17.04.2012 (**Annexure P-6**) by noticing the following in the operative portion:-

“ The counsel for the appellant states that in terms of the order for compulsory retirement the service benefits which are due according to the Rules will be released to the respondent within a period of two months.

The counsel for the respondent accepts the above order and states that in view of the aforementioned developments and the statement made by learned counsel for the appellant, this appeal may be disposed of.

Ordered accordingly. ”

The net effect was that the order of “Removal from Service” stood modified/substituted with the order of “Compulsory Retirement” and the payment of retiral dues, if any, to be released in accordance with the Rules of the Department as on 17.04.1985. The said benefit was required to be paid within two months. The petitioner filed SLP against the order dated 17.04.2012 **(P-6)** passed by the LPA Bench, which was disposed of vide order dated 02.09.2013 **(Annexure P-7)** and the same reads as under:-

“ *CORAM:*
HON'BLE MR. JUSTICE H.L. GOKHALE
HON'BLE MR. JUSTICE HJ. CHELAMESWAR
For petitioner(s) Mr. Arvind Kumar, Adv.
Mr. Nitin Gaur, Adv.
Mr. S.K. Sabharwal, Adv.

For respondent(s) Mr. Rajesh Kumar Adv.
Ms. Anupama Dhurve, Adv.
Mr. Yashraj Singh Deora, Adv.

UPON hearing counsel the Court made the following

ORDER

Heard learned counsel for the parties.

Learned counsel for the respondent-Bank has taken instructions in deference to the suggestions from Court and he states that though the impugned order of compulsory retirement will remain, the petitioner will be given the benefits on par with the other employees who retired prior to Ist January, 1986. If the petitioner submits the necessary application, that will be disposed of within four weeks from the receipt of that application. We record the statement. In view thereof, the special leave petitions are disposed of.

Sd/-
(SUMAN WADHWA)

Sd/-
(SNEH LATA SHARMA)
COURT MASTER ”

By way of the present contempt petition, the petitioner is alleging that the respondent-Bank by not giving him the benefit of the retiral

dues applicable w.e.f the post 01.01.1986, whereas the respondents-Bank submits that no contempt is made out, as the Hon'ble Supreme Court had passed the order in the presence of the counsel for the petitioner, whereby restricting the grant of the benefits to the petitioner at par with other retirees prior to 01.01.1986 by accepting the order of “Compulsory Retirement” to be effective w.e.f. 17.04.1985.

Upon hearing learned counsel for the parties and perusing the order dated 02.09.2013 **(P-7)** passed by the Hon'ble Supreme Court, this Court is persuaded to accept the plea raised by the respondent-Bank that the order of “Compulsory Retirement” of the petitioner with the retrospective effect w.e.f. 17.04.1985 and his grant of retiral benefits as retiree prior to 01.01.1986 stood settled in the presence of the counsel for petitioner, which has attained finality. It is conceded that the admissible retiral benefits, available to retiree(s) prior to 01.01.1986, have since been released to the petitioner, by treating his date of retirement as 17.04.1985.

In view of above, no contempt is made out, therefore, the present contempt petition is **dismissed**.

Since the main petition has been decided/dismissed, therefore, no orders are required to be passed in the pending miscellaneous application(s), if any.

January 17, 2018

'dk kamra'

**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>