

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 208

Civil Writ Petition No.26853 of 2014 (O & M)
Date of Decision: July 05, 2018

Surinder Singh

..... PETITIONER

VERSUS

State of Punjab & others

..... RESPONDENTS

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

PRESENT: - Mr. R.K. Arora, Advocate, for the petitioner.

Mr. Navdeep Chhabra, Deputy Advocate General,
Punjab.

. . .

Jaspal Singh, J

The instant civil writ petition has been preferred, by petitioner – Surinder Singh, under Article 226/227 of the Constitution of India, for issuance of a writ in the nature of Mandamus, directing the respondents to release all due retirement benefits such as pension, gratuity, leave encashment, GPF, GIS etc. alongwith interest @ 18% per annum.

Heard learned counsel for the parties.

Petitioner joined Education Department on January 03, 1983 as Science Master, on ad hoc basis. His services were regularised w.e.f. October 08, 1984. He was promoted as Lecturer Commerce. On July 07, 2010, he sought voluntary retirement by giving 24 hours' notice on account

of his domestic problems. The aforesaid request was accepted vide order dated July 08, 2010. However, on January 20, 2012 (Annexure P-4), a chargesheet was served upon him on the ground that he got himself relieved from service from the school Head without awaiting approval of the competent authority. Reply dated March 05, 2012 (Annexure P-5) was filed. Therefore, vide order dated November 19, 2012 (Annexure P-6), after considering his reply, charges were dropped and vide memo dated November 26, 2012 (Annexure P-7), he was directed to deposit two months' more salary to enable the department to grant approval on his voluntary retirement case. Accordingly, he deposited two months' more salary vide Treasury Challan dated November 27, 2012 (Annexure P-8).

Grievance of petitioner is that, he has already complied with the requirements of the Department and deposited three months' salary for his voluntary retirement but till date, no payment of retiral benefits has been released.

Reply has been filed by way of affidavit of Roop Lal, District Education Officer (Secondary Education), Kapurthala, which reveals that pre-mature retirement of petitioner w.e.f. July 08, 2010 was sanctioned by respondent No.1 vide order No.7/185/11-5edu2/418814/2 dated February 20, 2015 (Annexure R-1). Case of the petitioner for authorization of pensionary benefits was forwarded to respondent No.5 vide letter dated May 12, 2015 and till its finalization, provisional pension as well as DCRG was released to petitioner on March 30, 2015. Besides, amount of GIS was paid on May 20, 2015.

In this view of the matter, it is clear that petitioner, though, voluntary retirement on July 07, 2010 without adhering to rules and his case

for voluntary retirement was finalized on February 20, 2015. Even, pension papers were submitted by the petitioner on April 17, 2015 and May 12, 2015. In these facts & circumstances, it cannot be said that respondents are responsible for delay in payment of retiral dues which have been paid within three months from the date of finalization of case of petitioner's pre-mature retirement case i.e. February 20, 2015. Accordingly, petitioner is also not entitled for any interest on the payment of retiral dues which have been paid in stipulated period of three months of his retirement.

In the light of what has been discussed above, there is no merit in the instant petition and same is dismissed, with no order as to costs.

July 05, 2018
avin

(Jaspal Singh)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No