

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

(216)

CWP-15926-2016

Date of Decision: May 28, 2019

Suman Kumar Sareen

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Yaseen Sethi, Advocate, for
Mr. V.K. Sandhir, Advocate, for the petitioner.

Ms. Deepali Puri Sandhu, Addl. A.G., Punjab,
for respondents No. 1 and 2.

Mr. Sanjeev Soni, Advocate, for respondent No.3.

HARSIMRAN SINGH SETHI, J.(ORAL)

Reply on behalf of respondent No.3 filed in the Court today is taken on record. Copy of the same has been supplied to counsel for the petitioner.

In the present writ petition, the grievance which is being raised by the petitioner is that his retiral benefits were not released immediately after he retired on 31.12.2015. He was also claiming the proficiency step up and the ACP after completion of 8/18/24 years of service.

In the reply which has been filed today, it has been stated that all the benefits for which the petitioner was entitled for, have already been released in the year 2016. The details which have been mentioned, are as under:-

“2. That the petitioner seeking a writ in the nature of mandamus directing the respondents to release the service and retiral

(pension, leave encashment, gratuity, arrear of fixation of pay commission report) benefits of the petitioner, which are due since 31.12.2015 and proficiency step up and also ACP scheme benefit on completion of service of 8-16-24 years.

3. That the petitioner has been superannuated from the Municipal Corporation Amritsar on 31.12.2015 from the post of Assistant Engineer Civil. The post of the Assistant Engineer Civil is a provincialized cadre post and the appointing authority is Secretary Local Bodies Department, Punjab, Chandigarh.

4. That the petitioner has been paid his all retirement cum pensionary benefits and even the pension has also been disbursed to the petitioner. The detail of payment made to the petitioner is as under:-

Sr. No.	Payment of retirement dues	Dated	Cheque No.	Amount
1.	Provident Fund	20.04.2016	359862	Rs.15,87,937/-
2.	Leave Encashment	09.09.2016	069797	Rs.5,78,408/-
3.	Gratuity	08.12.2016	086980	Rs.10,00,000/-
4.	Due to increase in DA the difference of payment of leave encashment	20.04.2016	359862	Rs.67,878/-

5. That after the superannuation the petitioner has requested for benefit of ACP Scheme his request was forwarded to the government for sanction of ACP benefit. The Government vide its order dated 26.04.2018 has rejected the case of the petitioner for the benefit of the ACP Scheme. The true translated copy of the letter sent by the Government is annexed herewith as Annexure R3/1.

That the Municipal Corporation Amritsar has paid the entire retirement cum pensionary benefits as claimed in the present writ petition, therefore, the writ petition has become infructuous.”

Learned counsel for the petitioner is unable to dispute the position as depicted by the respondents in their reply.

With regard to the grant of ACP, the case has already been rejected by the Government and the order has already been passed in this regard duly conveyed to the petitioner, which is not under challenge. With regard to the other benefits, the same have already been released and counsel for the petitioner very fairly states that the present writ petition in respect of the benefits which have been sought in the present writ petition have been released and therefore, the present writ petition be disposed of having been rendered infructuous but with liberty to the petitioner to challenge the order Annexure R-1 in case the petitioner feels so, in respect of his claim for the grant of ACP.

Disposed of as having been rendered infructuous with liberty as prayed for.

(HARSIMRAN SINGH SETHI)
JUDGE

May 28, 2019
harsha

Whether speaking/reasoned:	Yes
Whether reportable:	No