

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 20265 of 2017
Date of decision : 13.11.2019

Ajit Singh

....Petitioner

Versus

Dr. B.R. Ambedkar National Institute of Technology, Jalandhar and
others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Tribhuvan Dahiya, Advocate for the petitioner.

Mr. Vivek Singla, Advocate for the respondents.

Harsimran Singh Sethi, J. (Oral)

CM-12927-CWP-2019

Present application has been filed to place on record replication to the written statement filed on behalf of the respondents alongwith Annexures.

Application is allowed and replication to the written statement filed on behalf of the respondents alongwith Annexures P-9 to P-13 is taken on record.

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The claim of the petitioner in the present writ petition is that though he was appointed for a specific tenure after which he has been

relieved from service but still, he is entitled for the benefit of leave encashment and gratuity under the Rules governing the service apart from the Contributory Provident Fund, Group Insurance and Benevolent Fund Payment. The said claim of the petitioner is being contested by the respondents.

Learned counsel for the respondents states that though there are no proceedings pending against the petitioner either departmental or before any other Competent Court of Law but the benefits have been retained as the payment, which have been released to the petitioner while in service, are being verified as to whether, those payments have been allowed to the petitioner according to the Rules or not?

Learned counsel for the petitioner states that without there being pendency of a disciplinary proceeding or proceeding before any Competent Court of Law, the payment for which the petitioner is entitled in respect of the service rendered by him, cannot be stopped. Learned counsel for the petitioner states that for the release of the benefits, petitioner has submitted with the respondents representations dated 16.09.2016, 04.10.2016 and 17.10.2016 (Annexure P-5 (Colly)) as well as representation dated 15.02.2018 (Annexure P-13). Learned counsel states that even the arrears of salary are still to be released by the respondents.

Learned counsel for the respondents states that an appropriate order will be passed upon the pleas, which have been raised vide representations dated 16.09.2016, 04.10.2016 and 17.10.2016 (Annexure P-5 (Colly)) as well as representation dated 15.02.2018 (Annexure P-13) within a period of three months from the date of receipt of certified copy of

this order and the benefits for which the petitioner is entitled in respect of the service rendered by him with the respondents, will be released to him within a period of one month of the passing of the order.

It is made clear that in case petitioner is not satisfied with the order or with the release of the benefits, he can avail his appropriate remedy in accordance with law.

Writ petition stands disposed of in above terms.

November 13, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes/No*
Whether reportable? *Yes/No*