

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

(211)

CWP-4154-2015

Date of Decision: May 03, 2019

Piara Singh

.. Petitioner

Versus

Chairman Managing Director PSPCL & ors

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amandeep Saini, Advocate, for the petitioner.

Mr. Roshan Lal Sharma, Advocate, for the respondents.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the petitioner is seeking the retiral benefits. As per the averments made in the writ petition, the petitioner claims that though he retired w.e.f. 31.07.2013, his retiral benefits including gratuity and other benefits have not been released.

In the reply, the respondents have stated that the petitioner had not retired rather he has resigned from service and his resignation was accepted w.e.f. 31.07.2013. After resignation, the earlier service of the petitioner stands forfeited in view of Rule 7.5 of the Punjab Civil Services Rules Vol I Part 1, according to which, upon resignation the service rendered by an employee stands forfeited.

Learned counsel for the petitioner states that the petitioner is entitled for gratuity under the Payment of Gratuity Act, 1972. Once the claim of the petitioner is for gratuity under the Payment of Gratuity Act, 1972, the petitioner is liable to approach the competent authority under the Payment of Gratuity Act, 1972 to claim the same.

Faced with this situation, learned counsel for the petitioner states that he be allowed to withdraw the present writ petition with liberty to approach the appropriate authority under the Payment of Gratuity Act, 1972 to claim the appropriate relief.

Dismissed as withdrawn with liberty as prayed for.

May 03, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No