

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

**CWP NO. 9624 OF 2016
DECIDED ON : 28.03.2019**

Hardeep Singh

...Petitioner

versus

The State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. G.P.S. Bal, Advocate,
for the petitioner.

Mr. Abhay Pal Singh, AAG, Punjab.

Ms. Neha Jain, Advocate for
Mr. Manish Dadwal, Advocate,
for respondent No.2.

Mr. J. S. Puri, Advocate,
for respondent No.3.

Mr. S. C. Pathela, Advocate,
for respondent No.4.

ARUN MONGA, J. (ORAL)

1. It is conceded case that vide office order dated 02.11.2010 (Annexure R2/2), respondent No.2/Baba Farid University of Health Sciences had accepted the resignation of the petitioner and ordered that his GPF be transferred to NIPER/respondent No.3. However, the same was not done and in the meanwhile, the petitioner left the services of NIPER on 17.04.2014 and joined the services of National Institute of Open Schooling, Chandigarh (hereinafter referred to as "the NIOS"), which is also stated to be an autonomous body of Government of India.

2. In the circumstances, I am of the opinion that the respondent-University cannot take advantage of the delay in transferring the GPF from NIPER and cannot resist the petitioner's

claim and take refuge of their own interpretation of the Rules after having once clearly conceded that the same was to be transferred to NIPER.

3. Learned counsel for the petitioner further points out that the respondent-University is also bound by its subsequent office orders dated 28.02.2012 (Annexure R-2/4) whereby, it was ordered that terminal benefits be released in favour of the petitioner and the approval was accorded as per Rules, for release of the same by the then employer i.e. NIPER. The said decision is further clarified vide office order dated 30.09.2013 (Annexure R-2/5), wherein it has been stated that as per legal opinion obtained by the respondent-University, it was directed to release the payment qua the petitioner in respect of death-cum-retirement gratuity, service gratuity and pro rata service gratuity.

4. The respondent-University is directed to release the petitioner's benefits as noted in office orders Annexures R-2/4 and R-2/5 as mentioned above, within a period of three months to NIPER with liberty to the petitioner to follow up his case with the subsequent employer i.e NIOS.

5. With the aforesaid directions, the petition stands disposed of.

(ARUN MONGA)
JUDGE

MARCH 28, 2019
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Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No