

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-488 of 2017

Date of decision: 22.10.2019

Harjit Singh

.... Petitioner

versus

State of Punjab and others

.... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: None for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab.

Ms. Suman Devi Saxena, Advocate
for Ms. Deepali Puri, Advocate
for respondents No.4 and 5.

HARSIMRAN SINGH SETHI, J. .

In the present writ petition, the grievance which is being raised by the petitioner is that the pensionary benefits of the petitioner are not being released by the respondents, though, the petitioner already retired on attaining the age of superannuation on 31.05.2012.

Notice of motion was issued on 16.01.2017 after which the respondents have filed reply, in which it has been stated that all the benefits, for which the petitioner was entitled, have already been released in his favour.

Relevant paragraph of the reply is as under:-

“That the answering respondent is only liable to pay the gratuity and leave encashment to the petitioner and the same has already been paid to the petitioner. A total sum of Rs.10,58,130/- was paid to the petitioner towards his retiral benefits i.e. Gratuity, leave encashment, revised sale and provident fund vide cheques dated 5.6.2012, 27.12.2012,

31,3,2013, 27,06,2013, 16,12,2013 and 1.1.2014. Thus, the present petition against the answering respondent is not maintainable.”

On the last date of hearing following order was passed:-

Counsel for the petitioner states that she has not received the copy of the reply filed on behalf of respondents No.4 and 5.

Another set of reply filed on behalf of respondents No.4 and 5 has been supplied to the counsel for the petitioner. She requests for an adjournment so as to enable her to seek instructions as to whether the payment for which the petitioner is entitled for has been released to him or not as mentioned in the reply.

Adjourned to 22.10.2019.”

There is no representation on behalf of the petitioner to contradict the said statement of the respondents that the benefit, for which the present writ petition was filed, has already been extended to the petitioner, hence, it can safely be presumed that no further grievance of the petitioner survives.

In view of the reply filed by the respondents, the present writ petition has become infructuous and is disposed of accordingly. However, a liberty is granted to the petitioner to file a representation in case, any of the calculation or any of the relief, for which, he is entitled, has not been extended to him and in case any such representation is filed by the petitioner, the respondents are directed to decide the same within a period of three months from the date of receipt of said representation.

(HARSIMRAN SINGH SETHI)
JUDGE

22.10.2019
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| 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable? | Yes/No |

