

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-5626 of 2020

Date of decision: 02.03.2020

Sawinder Kaur

.... Petitioner

versus

State of Punjab and others

... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Harchand Singh Batth, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J.

Learned counsel for the petitioner states that the petitioner retired on attaining the age of superannuation on 30.06.2005 but, her retiral benefits including 10% of gratuity, which were withheld by the respondents for want of vigilance certificate as well as earned leave for the period from 23.02.2004 to 30.06.2005, are not being released to her from the last approximately fifteen years.

Learned counsel for the petitioner argues that no proceedings either departmental or before any competent Court of law were pending against the petitioner at the time of her retirement but, still the petitioner was being directed to obtain the vigilance certificate on account of which retiral benefits including 10% of gratuity have been withheld by the respondents.

Learned counsel for the petitioner further argues that there is no requirement of obtaining vigilance certificate in the absence of any

proceedings pending against the petitioner. Prayer of the petitioner is for issuance of a direction to the respondents to release 10% of gratuity alongwith interest, on the delayed payment, which has been withheld by the respondents.

Learned counsel for the petitioner states that for the relief which has been claimed in the present writ petition, the petitioner has submitted representations dated 02.11.2018 and 29.01.2020 (Annexure P-7) and (Annexure P/8) respectively to the respondent(s) and she will be satisfied, at this stage, in case, a time bound direction is issued to respondent No.1 to decide representation dated 29.01.2020 (Annexure P/8) by passing an appropriate speaking order.

In view of the above, the present writ petition is disposed of with a direction to respondent No.1 to pass an appropriate speaking order on the representation dated 29.01.2020 (Annexure P/8) within a period of three months from the date of receipt of certified copy of this order. In case, it is found that the petitioner is entitled to any monetary benefits after the decision of the said representation, the same should also be paid to her within three months thereafter.

(HARSIMRAN SINGH SETHI)
JUDGE

02.03.2020
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1. Whether speaking/non-speaking?	Yes/No
2. Whether reportable?	Yes/No