

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

**CWP No.9290 of 2020
Date of decision:07.07.2020**

Manveer Kaur

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Manoj Kumar Sharma, Advocate for the petitioner.

SUVIR SEHGAL J. (ORAL)

This matter has been taken up for hearing through video conferencing due to Covid-19 Pandemic.

Instant petition has been filed for issuance of a writ in the nature of mandamus for directing the respondents to release non-refundable advance to the petitioner from GPF in accordance with the rules regulating its payment along with interest @ 18% per annum from the date of its approval till its actual realization.

The petitioner was appointed as D.P.E. Mistress and she was confirmed on the post on 08.02.1997 when she joined the service. By order dated 27.11.2014, Director Public Instructions-Respondent No.2,

dismissed her from service after holding that the graduation degree held by the petitioner was fake. Departmental appeal filed by the petitioner challenging the dismissal order was rejected by respondent No.1 on 02.03.2015. The said orders have been challenged by her before this Court in CWP No. 13185 of 2015, which is pending for hearing for 15.10.2020.

The petitioner had applied for getting non-refundable advance from GPF vide application dated 22.03.2019, Annexure P-2 for making payment of fee of her son who was pursuing MBBS Course with PIMS Institute at Jalandhar. The application is pending with the respondents and final decision has not yet been taken thereon. A legal notice dated 17.03.2020, Annexure P-12 was served upon the respondents however, even the same has remained unheeded to.

Counsel for the petitioner has relied upon Rule 13.29-L of Punjab Civil Service Rules, Vol.I, Part-I, to submit that when a subscriber to GPF is dismissed, removed or retired prematurely or compulsorily from government service and has challenged his dismissal, removal or retirement order, he is entitled to get non-refundable advances like other subscribers and the only embargo is that the subscriber should not have attained the age of superannuation. He has further relied upon instructions dated 09.12.2014, Annexure P-11 issued by the Finance Department, Government of Punjab, to buttress his stand. Counsel submits that he will be satisfied if a direction is issued to the respondents to decide his legal notice by passing an appropriate speaking order.

Notice of motion.

Mr. T.P.S.Chawla, Deputy Advocate General, Punjab accepts notice on behalf of the respondents.

Without going into the question of entitlement of the petitioner and without considering the merits of the claim raised by the petitioner in the present writ or in the legal notice, the writ petition is disposed of with a direction to the respondents to pass an appropriate speaking order on the claim raised by the petitioner in the legal notice dated 17.03.2020, Annexure P-12 within a period of 3 months from the date of receipt of the certified copy of this order.

07.07.2020

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No