

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

**CWP-11373-2015 (O&M)
Date of Decision:13.02.2020**

Surinder Pal Singh (since deceased) through L.Rs. ... Petitioners

Versus

State of Punjab & others ... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. P.M. Kansal, Advocate for the petitioners.

Mr. TPS Chawla, DAG, Punjab.

Mr. Parminder Singh, Advocate for the respondents.

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TEJINDER SINGH DHINDSA, J. (ORAL)

Instant writ petition was filed in the year 2015 at the hands of Surinder Pal Singh assailing Memo dated 30.06.2014 (Annexure P-14) whereby his request for voluntary retirement had been accepted.

It may be noted that the petitioner at the relevant point of time was serving on the post of Technical Grade II under the Punjab State Power Corporation Limited.

During the pendency of the writ petition, Surinder Pal Singh, petitioner died and the instant writ petition is being pursued through his L.Rs. i.e. widow and two major sons and who were brought on record by virtue of CM-13494-2016 having been allowed vide order dated 25.10.2016 passed by this Court.

During the course of arguments today, Mr. P.M. Kansal, Advocate makes a statement at the bar that he is confining the scope of the instant writ petition only with regard to the claim of the widow, namely, Parmjit Kaur to be released the entire admissible retiral/terminal benefits

pertaining to her late husband, namely, Surinder Pal Singh.

In such regard, counsel has adverted to Memo dated 14.12.2016 issued by the Punjab State Power Corporation Limited and appended as Annexure R-3 along with the written statement and which reads in the following terms:

*“PUNJAB STATE POWER CORPORATION LTD.
OFFICE OF GENERAL MANAGER/THERMAL, GNDTP,
BATHINDA.*

To

*Dr. Pushpinder Singh
S/o Sh. Surinder Pal Singh TG-II,
Dashmesh Nagar, V&P.O. Ghanauli,
Distt. Ropar, Roopnagar,
Memo No.21015/O&M/EM/706
Dated: 14.12.16.*

Subject: Regarding voluntary retirement of Sh. Surinder Pal Singh TG-II.

On the basis of notice for voluntary retirement submitted by Surinder Pal Singh an O/o No.1096 dated 27.6.14 had been issued by this office regarding voluntary retirement on 30.06.2014. As per rules of Powercom Ltd., after 3 months notice, the attendance of three months of the employee is mandatory whereas subject cited employee has not present on duty for three months. Therefore, Rs.116085/- has to be deposited by the employee. But the employee did not deposit the amount till date. Either you are requested to deposit the amount or to give an affidavit that Rs.116085/- may be deducted from the pensioner benefits of the employee so that process for giving the pension to the employee may be taken.

Sd/-

*Asstt. Manager, HR
GNDTP, Bathinda.”*

Mr. Parminder Singh, learned counsel representing the respondent/Corporation states that in case an application is submitted by the widow Smt. Parmjit Kaur for release of the retiral/terminal benefits, the same would be duly processed subject to deposit of Rs.1,16,085/- i.e. salary in lieu of 3 months notice period as regards the request for voluntary retirement that had been submitted by deceased Surinder Pal Singh. It has been fairly stated that the widow would also have an option to submit an affidavit in the alternative for release of the retiral/terminal benefits in respect of her husband and for the afore noticed amount to be deducted at the time of release of the financial benefits.

In view of the above, writ petition is disposed of.

In the eventuality of Smt. Parmjit Kaur widow of Surinder Pal Singh, deceased submitting an application before the competent authority under the Punjab State Power Corporation Limited for release of retiral/terminal benefits of her husband, the same would be processed without any delay and the admissible benefits would be released to her expeditiously and in any case within a period of three months from the date of submission of such application.

Disposed of.

13.02.2020

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |