

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

CWP-2592 of 2016

Date of decision: 29.01.2020

Daljit Singh

.... Petitioner

versus

The Vice Chancellor, Punjab Agriculture University, Ludhiana
and others

... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Om Pal Sharma, Advocate
for the petitioner.

Mr. B.S. Khehar, Advocate
for the respondents

HARSIMRAN SINGH SETHI, J.

The grievance which is being raised by the petitioner in the present writ petition is that he had retired from service on attaining the age of superannuation on 30.06.2014 but, despite the expiry of more than five and half years, his complete retiral benefits have not been released by the respondents.

Prayer of the petitioner is for issuance of direction to the respondents to release the remaining retiral benefits forthwith.

Upon notice of motion, respondents have filed reply, in which it has been stated that during the service career of the petitioner, certain temporary advances were extended to him for executing the work and those temporary advances are yet to be settled and till the same are not settled, 'No Dues

Certificate' for the release of his pensionary benefits cannot be given. Relevant part of the reply is as under:-

“That the reply in contents Para No.8 of writ petition, it is submitted that the petitioner was asked number of times, during his service and also after retirement, to render the MAS Accounts of works executed by him alongwith official record. As per rule 5.6 Manual of Orders the Sectional Engineer/Junior Engineer/ Assistant Engineer is responsible for the execution of works as specifications and rendering of accounts thereof. As per Clause 19(6) of Chapter VI of the Act and Statute of the University the petitioner is required to return the original record issued to him during incumbency of Junior Engineer to execute works of the university. The retiral benefits of the petitioner were rightly withheld by the university because the petitioner had failed to render the accounts of works worth more than once crore of rupees and also failed to return the official record.”

Learned counsel for the petitioner is contesting the claim of the respondents that account with regard to the temporary advances is yet to be settled.

Learned counsel for the petitioner argues that all the accounts related to the temporary advances extended to the petitioner, have already been settled.

This Court under Article 226 of Constitution of India cannot go into the disputed question of facts. In the present case, the disputed question of fact is as to whether all the temporary advances, which were given to the petitioner during his service career have been duly settled or not. Learned counsel for the petitioner contends that nothing remains to be explained by the petitioner for the settlement of the accounts, whereas, learned counsel for the respondents states that temporary advances are yet to be settled, which amount runs into lacs.

Faced with this situation, as this Court cannot go into the disputed question of facts, learned counsel for the petitioner prays that the present petition be disposed of with liberty to the petitioner to associate himself with the respondents so as to clarify his position for the settlement of temporary advances, which are being alleged against him and respondents may be directed to pass an appropriate order in respect of the same and after the accounts are settled, the pensionary benefits of the petitioner be released within a specified time.

Learned counsel for the respondents raises no objection for the grant of prayer of the petitioner that he will associate himself for the settlement of the accounts and will bring the documents for the inspection of the University so as to settle the accounts. Learned counsel for the respondents states that after the accounts are settled, the pensionary benefits of the petitioner will be released within a period of two months.

Keeping in view the above, the present writ petition is disposed of with the directions that petitioner will approach the respondents alongwith documents, according to which, he claims that temporary advances have already been explained and settled and the documents so presented by the petitioner will be taken into consideration by the respondent-University and an appropriate order will be passed in that regard for settling the accounts.

Respondents are also directed that after the settlement of the accounts, pensionary benefits of the petitioner will be released within a period of two months from the date of the said settlement.

Petitioner is directed to approach the respondent-University by 15th April, 2020 along with his explanation and supporting documents for the settlement of accounts, which will be taken into consideration by the

respondent-University as directed above.

Petition stands disposed of in above terms.

29.01.2020
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(HARSIMRAN SINGH SETHI)
JUDGE

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