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

(222) **CWP No. 4708 of 2017**
Date of Decision : 20.01.2020

Surjit Singh

....Petitioner

Versus

Shiromani Gurudwara Prabandhak Committee and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Samrit Gill, Advocate for
Mr. Sandeep Arora, Advocate for the petitioner.

Mr. A.P.S. Mann, Advocate for the respondents.

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Harsimran Singh Sethi, J. (Oral)

In the present writ petition, the claim of the petitioner is that petitioner has not been given the retiral benefits by calculating the same from the initial date of appointment i.e. 10.11.1980. The prayer of the petitioner is for issuance of a direction to the respondents to grant him the retiral benefits by taking into consideration the service, which he had rendered from 10.11.1980 till 31.03.2013.

In reply, the respondents have admitted the claim of the petitioner and have stated that though initially, petitioner was released pensionary benefits by taking into consideration his service from 01.05.1998 till 31.03.2013 but thereafter, on reconsideration, the petitioner was given the benefit of service from 10.11.1980 and the difference in gratuity and leave encashment amounting to ₹5,98,939/- alongwith interest have already been released to the petitioner. The relevant averments made in reply are as under:-

> *"4. That on the basis of the representations received from the petitioner, the matter was examined in depth at the end of the SGPC. It was found that the gratuity was paid to the petitioner by counting his service from 01.05.1998 to 31.03.2013. For this period he was given gratuity for a period of eight months and leave encashment for a period of 247 days. The total amount paid to him at retirement under this head was ₹5,18,086/-. By counting his service from 10.11.1980, his gratuity becomes due for a period of 26 months and leave encashment entitlement comes for a period of 270 days. Considering his last drawn basic pay as ₹24,550/-, the total amount on these heads comes to ₹5,98,939/- [Taking ₹11,17,025/- (as total amount due)-₹5,18,086/- (already paid)]. Rounding of this amount comes to ₹6 lacs. Alongwith this grant of 6% interest on this amount comes to ₹1.5 lacs. In all, the total amount due to the petitioner comes to ₹7.5 lacs.*
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> *5. That on 07.07.2017, the petitioner had even made a statement to the SGPC that he would be satisfied if he was in all given a lumpsum amount of ₹7.5 lacs for settlement of the matter. The petitioner even proposed to withdraw the writ petition if he was given this amount.*
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> *6. That the SGPC Executive Committee vide its resolution no. 120 dated 16.01.2018, has resolved*

that the above mentioned amount of ₹7.5 lacs shall be paid to the petitioner. Consequently, vide transfer voucher number 894 dated 28.02.2018 and cheque no. 791989 dated 13.02.2018 of State Bank of India, the due payment of ₹7.5 lacs has been made to the petitioner.

7. That in the light of the above submissions it is submitted that now nothing further is due to the petitioner on account of his retiral dues and the matter may be dismissed as having become infructuous."

There is no replication to the averments which have been made to the written statement.

From the above facts, it is clear that the benefits for which the petitioner had approached this Court, have already been released alongwith interest and, therefore, petition does not survive any further. In case, petitioner has any grievance, which is yet to be redressed, he will be at liberty to approach the respondents by filing appropriate representation.

Learned counsel for the respondents very fairly states that in case any representation is filed by the petitioner claiming any relief, the same will be dealt and decided in accordance with law within a period of three months from the date of receipt of representation by passing a speaking order.

Writ petition is allowed in above terms.

January 20, 2020 **(HARSIMRAN SINGH SETHI)**
kanchan **JUDGE**

Whether reasoned/speaking? *Yes/No*
Whether reportable? *Yes/No*