IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(286) **CWP-23105-2021**
Date of Decision : May 12, 2022

Kiran Sharma **.. Petitioner**

Versus

State of Haryana and others **.. Respondents**

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Saurabh Bajaj, Advocate, for the petitioner.

Mr. Satish Singla, Assistant Advocate General, Haryana, for respondents No. 1 to 3 and 5.

None for respondent No.4.

HARSIMRAN SINGH SETHI J. (ORAL)

Reply on behalf of respondents No. 1 to 3 and 5 has been filed in the Court today and the same is taken on record.

No one has appeared on behalf of respondent No.4 despite service. Proceeded ex parte.

In the present case, the grievance of the petitioner is that the gratuity and other pensionary benefits for which the petitioner is entitled for after the retirement, are not being released to her and that too without any valid justification.

As per the averments made in the petition, the petitioner retired from service on 31.03.2020 while working in a Government School but the pensionary benefits in respect to the service rendered by the petitioner initially with respondent No.4, which is an aided institution, are not being released to her due to which, the petitioner is facing financial difficulties.

After notice of motion, respondents No. 1 to 3 and 5 have filed the reply wherein they have stated that as per the rules, 75% of the gratuity is to be paid by the Government and the Government has already released its share of Rs.11,58,601/- and remaining share of Rs.3,80,232/- has to be released by respondent No. 4 i.e. Management of respondent No.4 school.

As no one has appeared on behalf of respondent No. 4 despite service, the averment that there is no impediment in the release of the said benefits, needs to be accepted.

In the present case, once the petitioner has retired from a Government institution and it is not being disputed that the petitioner is entitled for the gratuity, the same needs to be paid by the Government so as to mitigate the financial hardship of a retired employee. The Government, will be within its jurisdiction to recover the share which is being attributed to respondent No.4 but, a retiree cannot be left in lurch to fend for himself and to run after a Government aided institution to secure the financial and monetary benefits, especially when the services of the petitioner were taken over by the Government and he was absorbed in the Government institution, hence, the Government becomes liable to ensure the payment of the dues to the retiree, even if the same are to be recovered by the Government from another institution.

The respondents-State is directed to release the remaining gratuity of Rs.3,80,232/- with the condition that in case, the same is recoverable from respondent No.4-institute, Government will be free to do so by adopting due process of law.

The present petition is disposed of in above terms.

May 12, 2022 **(HARSIMRAN SINGH SETHI)**
harsha **JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No