



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

203

CWP-13941-1998 (O&M)
Date of decision : 17.05.2024

Gurcharan Singh

...Petitioner

V/S

Punjab State Electricity Board and others

...Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: None for the petitioner.

Mr. Munish Gupta, Advocate for the respondents.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant writ petition under Articles 226/227 of the Constitution of India seeking a writ of mandamus directing the respondents to release the retiral dues and arrears after the grant of pay scale of Rs.2100-3700/- w.e.f. 01.01.1986 along with interest @ 18% per annum.
2. In the written statement filed by the respondents, the following stand was taken :-

“xx xx xx xx xx

6. That the petitioner has since been retired from service as Junior Engineer, Grade-II with effect from 31st December 1995 on attaining the age Of superannuation. The position regarding payment of the retiral benefits to him is detailed below:-

(i) Payment of G.P.F.

A payment of a sum of Rs.43,925/- towards G.P.F. in full has been made vide Cheque No. 949285 dated 9.5.1996.

(ii) Pension

'As per submissions made in para 5 supra, the various disciplinary proceedings have been decided and final pension would be sanctioned in due course of time with 1/20% of the cut as already imposed in that regard.

(iii) Gratuity and Leave Encashment

As the various disciplinary proceedings against the petitioner have been decided, therefore, the payment of gratuity and leave encashment would also sanctioned very soon.

(iv) Suspension period

As per orders passed by the competent authority, the suspension period from 26.7.90 to 18.1.91 is to be treated as leave of the kind due which has also been duly sanctioned.

(v) Arrears after the grant of Pay Scale of Rs. 2100-3700 :-

In the light of position as clarified in paras 1-5 supra, the petitioner is not entitled for the grant of the second time bound promotional scale of Rs.2100-3700 with effect from 1.1.1986 and, therefore, the question of payment of arrears in this regard, does not arise at all and his claim in this regard liable to be dismissed.

xx xx xx xx xx”

3. Learned counsel for the respondents submits that during the pendency of the present petition, all the retiral dues have been released and the petitioner has unfortunately died in the year 2020 and his LRs have not been brought on record.

4. In this view of the matter, the present petition is disposed of as having become infructuous. However, liberty is granted to the LRs of the petitioner to revive the present petition in case any cause of action still survives.

17.05.2024
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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No