



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

216

CWP-12983-2017

Date of decision : 25.11.2024

Swaran Singh

....Petitioner

V/S

Punjab Water Supply and Sewerage Board and othersRespondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: None for the petitioner.

Mr. Sarthak Gupta, Advocate for respondent No.3.

NAMIT KUMAR, J. (ORAL)

1. The instant petition has been filed by the petitioner under Articles 226/227 of the Constitution of India, seeking a writ of mandamus, directing the respondents to release the retiral benefits like Contributory Provident Fund, Leave Encashment and Gratuity and other payments along with interest @ 12% per annum from 01.05.2016 to the actual date of payment.

2. In the written statement filed by the respondents, it has been stated that the admissible retiral dues of the petitioner have been released and details have been given in para 8 of the written statement which reads as under :-

“xx xx xx xx xx

8. *That after issuance of the consolidated no due certificate (dated 21/8/2018 detailed in para no.7 above), the respondents actively processed the case of the petitioner*



for release of the withheld retirement benefits which has been disbursed as per the details given below :-

Sr. No.	Description of benefit	Amount (Rs.)	Particulars of the orders passed by the C.E.O., PWSSB, sanctioning the benefit.
1.	Gratuity	8,51,965/-	PWSSB-2018/E.A.(3)/931 Dt.26/12/18.
2.	Leave Encashment	5,40,930/-	PWSSB-2018/E.A.(3)56 Dt.23/1/19.
3.	Board's Share of CPF along with interest	10,54,501/-	PWSSB-19/P&F/66 dated 29/1/19. Rs.1,45,775/- have been withheld (employer's contribution plus interest for the extended period after superannuation) till receipt of clarification from Government.

9. That full and final payment (own share with interest) of CPF amounting to Rs. 14,63,191/- was made to the Petitioner in December, 2016. The payment of remaining benefits was withheld on account of the afore explained disciplinary proceedings under Rule 8 read with Rule 12 of the Pb. C.S.R. (Punishment & Appeal) Rules, 1970 against the Petitioner which culminated in punishment of 5% cut from pending dues vide order dated 25/04/2018 and consolidated no demand certificate has been issued on 21/8/2018 subject to the conditions enumerated in para 7 above. The answering respondents acted well within their statutory powers in withholding retirement benefits (Board's share of CPF, Gratuity & Leave Encashment) due to disciplinary proceedings under Rule 8 read with Rule 12 of Punjab Civil Services (Punishment & Appeal) Rules, 1970 against the Petitioner. As such there is no intentional/deliberate delay on the part of the answering Respondents in release of remaining retirement benefits and, therefore, the Petitioner is not entitled to any interest on the retirement benefits payable to the Petitioner as claimed in the writ petition.”



CWP-12983-2017

3.

Learned counsel for the respondents submits that since the admissible retiral dues of the petitioner have been released, therefore, the instant petition has been rendered infructuous.
4.

Since there is no representation on behalf of the petitioner, therefore, the present petition is dismissed for non-prosecution.

25.11.2024
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(NAMIT KUMAR)
JUDGE

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