

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

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**2024:PHHC:034043
CWP No. 23284 of 2014
Date of Decision:11.03.2024**

S.C.Kaushik

....Petitioner

VS.

Punjab National Bank and another

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Sanjiv Gupta, Advocate
for the petitioner

Mr. Aayush Gupta, Advocate
for the respondents

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of charge sheet dated 16.07.2013 (Annexure P-1), order dated 04.03.2014 (Annexure P-3) and appellate order dated 27.05.2014 (Annexure P-5). The petitioner is further seeking direction to respondents to release his retiral benefits i.e. pension, leave encashment and other benefits.

2. The petitioner was working with respondent-bank and he was issued charge sheet dated 16.07.2013 alleging mis-conduct. The respondents conducted departmental enquiry and held him guilty. He came to be removed from service vide order dated 04.03.2014. The disciplinary authority ordered to remove him from service with a rider that it shall not

disqualify him for future employment. The relevant extracts of the order dated 04.03.2014 are reproduced below:-

“I have carefully gone through records of the case comprising charge sheet, enquiry report, reply of charged officer and all other relevant facts of the case and I am of the view that Shri Kaushik has committed serious lapses which have been proved in enquiry as admitted by him. However, it is a fact that no loss has been caused to the bank due to the acts on his part. It is also a fact that there was nothing adverse against him in past. However, he cannot be retained in the service of the bank in view of the lapses and acts committed by him which reflects on his integrity. I am of the view that the ends of justice will be met if the penalty of "Removal from service which shall not be a disqualification for future employment" in terms of Regulations 4 (i) of PNB Officer Employees (D&A) Regulations, 1977 is imposed upon Shri Kaushik. Further his period of suspension shall not be treated as a period spent on duty, for all purposes”

The petitioner unsuccessfully preferred appeal before the appellate authority. The petitioner is seeking setting aside of orders passed by respondent authorities as well as direction to respondent authorities to grant him retiral benefits.

3. Mr. Sanjiv Gupta, Advocate, submits that in view of judgment of Supreme Court in **Bank of Baroda vs. S.K.Kool (D) through LRs and another, 2014(2) SCC 715**, the petitioner despite his removal from service is entitled to pensionary benefits.

4. Mr. Aayush Gupta, Advocate, submits that petitioner in the appeal did not seek retiral benefits and at this belated stage, without approaching the bank, he is seeking retiral benefits. The petitioner is supposed to approach the respondent-bank and without adjudication by bank, this Court should refrain from adverting with the question of retiral benefits.

5. Faced with this, Mr. Sanjiv Gupta asserts that petitioner without assailing his removal from service would approach respondent-bank for retiral benefits, however, respondent-bank may be directed to decide his claim in a time bound manner.

6. In the wake of statement of both sides, the petition stands disposed of with liberty to petitioner to approach respondent-bank for release of his retiral benefits and other dues. If the petitioner files representation, it would be decided within three months from the date of application. The respondent-bank would take care of the aforesaid judgment while deciding application of the petitioner.

(JAGMOHAN BANSAL)
JUDGE

11.03.2024
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No