IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-4338-2017
Date of decision: 08.04.2025

SUBHASH CHANDER DHAWAN ......Petitioner

VERSUS

STATE BANK OF INDIA & OTHERS ....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

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Present: - Mr. Himanshu Setia, Advocate for
Mr. Parvez Chugh, Advocate
for the petitioner.

Ms. Madhu Dayal, Advocate
for the respondents.

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VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present writ petition is to the letter dated 08.06.2016 whereby the application of the petitioner seeking voluntary retirement w.e.f. 06.04.2016 has been approved on 17.05.2016 w.e.f. 06.04.2016 itself.

2. Learned Counsel appearing on behalf of the petitioner contends that since the approval of the voluntary retirement of the petitioner was granted by the respondent-authority on 17.05.2016, hence, his retirement ought to be treated w.e.f. the said date and all the service benefits and emoluments be released to him.

3. Learned Counsel for the petitioner contends that the

respondents have wrongly and erroneously treated the date of voluntary retirement of the petitioner as 06.04.2016 whereas the necessary administrative approvals have been granted later in point of time and as such, the subsequent period i.e. 17.05.2016 ought to be treated as a service period and that the benefits ought to be recalculated. He further submits that even the benefits released to him were released in the month of June, 2016 whereas the same were to be released within a period of 30 days of the date of voluntary retirement and as such, the petitioner is entitled to benefit of interest on delayed release of the payment as well.

4. Learned Counsel appearing behalf of the respondent-Bank contends that the petitioner had submitted his application seeking voluntary retirement from the service of Bank, Ferozepur on 06.04.2016. The aforesaid letter was forwarded to the Regional Business Office (RBO) and the same was returned on 11.04.2016 due to incomplete information. As the Asset and Liability statements for the year 2014, 2015 and 2016 had not been supplied by the petitioner, the same was re-forwarded on 02.05.2016. the same was thus approved on 17.05.2016 w.e.f. the date when the petitioner had sought his voluntary retirement. She further contends that as a matter of fact, the petitioner did not discharge any function after 06.04.2016 and that the specific stand of the respondents to the said effect remains undisputed and not denied.

5. Further, she refers to the letter submitted by the petitioner on 06.04.2016 itself as regards the requirements for voluntary retirement including the mandate of a three months notice or to pay three months salary

in lieu thereof. The petitioner had himself submitted in writing that he was willing to pay three months salary. It is also submitted that the petitioner had further lodged a claim as regards the shifting expenses, however, it was specifically set out in the written statement that the petitioner was transferred as Assistant Manager, Branch Mamdot, Tehsil & District Ferozepur on 06.04.2016 and on the very same date, he tendered his voluntary retirement to be enforceable with effect from the same date, as such, he never joined at the new place of posting. Thus, his shifting and/or transportation expenses etc. as are being claimed now are not admissible since no such expense was ever incurred by the petitioner. It is also submitted that the dues stood credited in the Account of the petitioner from 24.06.2016. She contends that since the administrative approval on 17.05.2016, the terminal benefits were thus released within a period of nearly one month and there was no inordinate delay. The petitioner now wants to compute the said acceptance or to relate back the entitlement of the petitioner to the terminal benefits with effect from the same date notwithstanding that the default lay on the part of the petitioner in submitting incomplete form and necessary details were required to be furnished. She further submits that the other claim lodged by the petitioner was in relation to deduction of tax @ 30% which was deducted due to terminal benefits exceeding to Rs. 10 lacs and as per the instructions issued by the Government, in the event of the payment being more than Rs. 10 lacs, tax had to be deducted @ 30%. In case any excess amount has been deducted, the petitioner is always at liberty to claim a refund after filing his returns. She further contends that the averments as mentioned in the written statement have not been controverted by the petitioner. Hence, the claim of the petitioner about delayed release of the benefits and/or that his date of voluntary retirement should be treated as 17.05.2016 instead of the date with effect where from he intended his voluntary retirement to be applicable and which being also the date with effect wherefrom the petitioner did not resume duties is untenable.

6. It is well established from the uncontroverted facts noticed above that the petitioner never resumed duties after the date of tendering his resignation. The delay in formal communication of acceptance of resignation due to deficiency of documents cannot be held to be giving effect to resignation w.e.f the date of formal decision on the request for resignation. The parties, by their act and conduct have acknowledged the resignation from 06.04.2016 itself. Any such procedural bureaucratic delay under such circumstances would extend the relationship beyond the said date. The specific averment in this regard remains uncontroverted and undisputed. There is thus no illegality or irrationality or arbitrariness in the decision of the respondents.

7. In view of the aforesaid undisputed position of fact, the present writ petition is dismissed at this stage.

(VINOD S. BHARDWAJ)

APRIL 08, 2025 **JUDGE**

Vishal Sharma

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