

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

**LPA-624-2018 (O&M)**

**Date of Decision: 6<sup>th</sup> of May, 2025**

*STATE OF HARYANA AND ANOTHER* .....Appellant(s)

**V/s.**

*VINOD KUMAR GOYAL (SINCE DECESASED)* .....Respondent(s)  
*(represented by the LRs.)*

**CORAM:** **HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA**  
**HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present Mr. Saurabh Mohunta, Sr. DAG, Haryana,  
for the appellants.

Mr. R.K. Malik, Senior Advocate, assisted by  
Mr. Varun Veer Chauhan, Advocate for the respondents.

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**SANJEEV PRAKASH SHARMA, J. (Oral)**

1. This Court vide order dated 27.01.2020, has passed the following order:-

*“After hearing counsel for the appellant, we are prima facie of the view that in the face of pending disciplinary proceedings for disobeying the orders of High Authority and absence from duty for such a huge period, the employee could not be deemed to have voluntary retired. Simultaneously, even the order of punishment of dismissal from service in the light of alleged blemishless 33 years of service would also not be warranted being disproportionate and unduly harsh. The delinquent official died before the order dated 25.10.2015/17 was passed by the learned Single Judge.*

*During the course of hearing, it was more or less agreed that the order of punishment has to be substituted with a lesser and proportionate punishment.*

*Counsel for the parties pray for time to seek instructions.  
List on 05.03.2020.”*



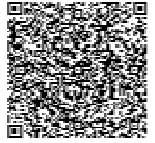
2. In compliance of the said order, an affidavit dated 10.08.2022 has been filed by the State and it is stated as under:-

*“4. That in compliance of order dated 27.01.2020 and order dated 02.05.2022 passed by the Hon’ble High Court, the Government after careful consideration of the case, has decided to treat the suspension period of Sh. Vinod Kumar Goyal, Sub Divisional Engineer (expired) from 13.06.2007 to 21.01.2008 as leave of kind due for all intents and purposes. Further, the Government vide memo dated 21.09.2020 has decided to accept his voluntary retirement w.e.f. 14.12.2010 after considering his VRS application dated 14.09.2010 as VRS notice as per Rule 5.32 B(1) and (2) of the Punjab Civil Services Rules, Vol.II. The Copy of memo dated 21.09.2020 is annexed as Annexure R-2.*

*5. That all admissible benefits i.e. GPF, GIS, Leave Encashment along with interest have already been released to the petitioner vide memo No. 4015 dated 24.05.2022 (Annexure R-3) as intimated by the Executive Engineer, Public Health Engineering Division No.1, Nuh. Whereas the Gratuity, Pension and Commutation is to be paid through the Accountant General, Lucknow as authority has been sent to the Accountant General, Lucknow by the Accountant General, Haryana as the LRs. of Sh. Vinod Kumar Goyal has been settled in Uttar Pradesh on the retirement of Sh. Vinod Kumar Goyal.”*

3. In view of the above, it is apparent that the appellants before the Court have prayed for dismissal of the LPA as they have accepted the order passed by the learned Single Bench treating him to have voluntarily retired and therefore, dismissal order could not have been passed.

4. All benefits have already been released, therefore, no order is required to be passed in the present LPA and the same is dismissed accordingly.



5. All pending applications in this case are disposed of accordingly.

**[SANJEEV PRAKASH SHARMA]  
JUDGE**

**[MEENAKSHI I. MEHTA]  
JUDGE**

**May 6, 2025**

*Ess Kay*

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>