107+203 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM-8720-CWP-2016 in/and
CWP No.17407-2012 (O&M)
Date of decision : July 29, 2016

Pirthi Singh ..... Petitioner

Versus

The Punjab State Cooperative Supply and Marketing Federation Ltd. ..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Amit Sharma, Advocate for the petitioner.

Mr. Anuj Ahluwalia, Advocate for the applicant-respondent.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

CM-8720-CWP-2016

Application is allowed as prayed for.

Affidavit dated 21.07.2016 and Annexurs A-1 to A-5 along with affidavit (Annexure A-1) are taken on record.

Main case

Petitioner, who retired as Field Officer, Markfed, seeks release of the retiral benefits after quashing of order dated 03.05.2012 (Annexure P-9).

Learned counsel for the petitioner presses the present petition only qua the release of amount of leave encashment and gratuity.

Admittedly, the petitioner had retired from service on 31.07.2003.

Learned counsel for the respondent has produced some documents on file by way of filing the aforesaid application. It goes to show that at present, no charge-sheet or departmental proceedings are pending against the petitioner. It is also not pressed that any charge-sheet or inquiry is pending against the petitioner. However, as per affidavit (Annexure A-1), an arbitration case is pending against the petitioner.

Therefore, as per stand of the respondent, one arbitration case is pending against the petitioner, in which the petitioner raised number of objections including the limitation. The said arbitration case is yet to be decided on merits. Therefore, pendency of the arbitration case against the petitioner is no ground to withhold his leave encashment and gratuity for indefinite period.

Accordingly, leave encashment and gratuity are ordered to be released forthwith along with interest @ 9% per annum from the date it became due till its realization.

As such, the present petition is allowed.

(KULDIP SINGH)
JUDGE

July 29, 2016
sarita

Whether speaking / reasoned Yes
Whether Reportable: No