

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

Civil Writ Petition No.22860 of 2014
Date of Decision: May 04, 2015

Punjab State Civil Supplies Corporation Ltd. & another

...Petitioners

Versus

Presiding Officer, Industrial Tribunal, Bathinda & another

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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

Present: Ms.Deepali Puri, Advocate,
for the petitioner.

Mr.Padamkant Dwivedi, Advocate,
for respondent No.2.

AMIT RAWAL, J. (Oral)

The prayer made in the present writ petition is for issuance of a writ of certiorari for quashing the order dated 15.7.2014 (Annexure P-3), whereby the claim of respondent No.2 has erroneously been allowed, whereby petitioner-Corporation has been directed to make the payment of the amount of leave encashment, which is against the settled principles as laid down by the Full Bench of this Court in the case of Punjab State Civil Supplies Corporation Ltd. & others Versus Pyarelal, LPA No.113 of 2012.

Vide order dated 01.04.2015 passed in CWP No.17941 of 2014 titled as The Managing Director, Punjab State Civil Supplies Corporation

Limited and another vs. Presiding Officer, Industrial Tribunal and another, this Court has already allowed the writ petitions of the Management by taking into consideration the Full Bench judgment dated 11.08.2014 passed in LPA No.113 of 2012 titled Punjab State Civil Supplies Corporation Limited and others vs. Pyare Lal, wherein it has been held that in case, the departmental enquiry or criminal case are pending against the employees, who have even retired from the Corporation, employer can not withhold leave encashment.

The decision rendered in Pyare Lal's case (supra) has been reviewed by a subsequent judgment rendered in LPA No.113 of 2012 on 11.8.2014. The fact remains that Rule 8.21(aa) Vol.1, Part 1, Chapter-VIII of the Punjab Civil Services Rules are applicable to the PUNSUP and in view of the aforesaid provisions, employer is entitled to withhold the leave encashment. It is a matter of record that respondent No.2 is facing departmental proceedings which have not culminated into a finding.

The present writ petition is allowed in terms of order dated 01.04.2015 passed in CWP No.17941 of 2014 titled as The Managing Director, Punjab State Civil Supplies Corporation Limited and another, and accordingly the award of the Labour Court is set aside.

Before parting with the judgment, I deem it appropriate to issue direction to respondent No.2 and the PUNSUP that they shall cooperate with the enquiry officer and make an endeavour to complete the departmental proceedings as expeditiously as possible.

It is further made clear that where replies have been filed in reference to charge sheet, but the enquiry officer has not been appointed, in

that situation, PUNSUP is further directed to appoint enquiry officer.

With aforesaid directions, the writ petition is allowed.

May 04, 2015
ramesh

(AMIT RAWAL)
JUDGE