

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

CWP No.6403 of 2015 (O&M)

Date of decision: 01.05.2015

The Managing Director, Punjab State
Civil Supplies Corporation Limited
and another

... Petitioners

Vs.

The Presiding Officer and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

Present:- Mr. I.S.Sidhu, Advocate
for the petitioners.

Mr.S.S.Brar, Advocate,
for the petitioners (in CWP Nos.20818 & 22157 of 2014,
1719, 1660 and 20728 of 2014).

Mr.Aman Chaudhary, Advocate,
for the petitioner (in CWP No.1443 of 2015).

Mr.Deepak Sabharwal, Advocate,
for the petitioners (in CWP Nos.22772,22778 & 22783
of 2014).

Ms.Deepali Puri, Advocate,
for the petitioners (in CWP Nos.21151, 21165, 21236 &
22019 of 2014 & 3641 of 2015).

Mr. Padamkant Dwivedi, Advocate,
for respondent No.1 (in CWP No.1443 of 2015)
for respondent No.2 in CWP No.6403 of 2015 &
for respondent No.2 (in CWP No.22772 of 2014).

Mr.Vikas Singh, Advocate,
for respondent No.2 (in CWP Nos.20728 & 20818 of
2014).

Mr. Amrik Singh, Advocate,
for respondent No.2 (in CWP Nos.22783, 22778,22019 &
22157 of 2014 & 3641 of 2015).

AMIT RAWAL J. (Oral)

I propose to decide 15 writ petitions bearing Nos.6403 of 2015, 20728, 21151, 20818, 21165, 21236, 22019, 22157, 22772, 22778, 22783 of 2014, 1660, 1719, 3641 and 1443 of 2015, as the question of law and fact involved in the present cases are identical.

Vide order dated 01.04.2015 passed in CWP No.17941 of 2014 titled as The Managing Director, Punjab State Civil Supplied Corporation Limited and another vs. Presiding Officer, Industrial Tribunal and another, I have 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, whereby, while relying upon the provisions of Rule 8.21(aa) Vol.1, Part 1, Chapter-VIII of the Punjab Civil Services Rules and it has been held that in case, the departmental enquiry or criminal case is pending against the employees, who has been retired from the Corporation, employer can withhold leave encashment.

The Present writ petitions have been filed against the Award of the Labour Court, whereby, the Labour Court on the basis of the judgment dated 11.08.2014 rendered by this Court, allowed the claim petitions of the respondents. 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 the aforementioned employees are facing either departmental or criminal proceedings which have not culminated into a finding.

The present writ petitions are 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 the Award of the Labour Court is set aside.

Before parting with the judgment, I deem it appropriate that the employees and the PUNSUP 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 reply has been filed, charge sheet has been served, but the enquiry officer is not appointed, in that situation, PUNSUP is further directed to appoint enquiry officer.

Accordingly, the aforementioned writ petitions are allowed.

(AMIT RAWAL)
JUDGE

May 01, 2015
savita