

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

Letters Patent Appeal No.1433 of 2015 (O&M)
Date of Decision: 29.9.2015

Punjab Scheduled Castes Land Development & Finance
Corporation through its Executive Director.

..Appellant

versus

Parkewal Singh Chauhan ..Respondent

CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. R.D.Bawa, Advocate, for the appellant

RAJIVE BHALLA, J. (ORAL)

CM No.3063-LPA of 2015

Prayer in this application is to condone delay of 111 days
in filing the appeal.

Heard.

For reasons stated in the application and arguments
addressed, the application is allowed and delay of 111 days in filing
the appeal is condoned.

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The appellant-Corporation challenges order dated
5.5.2015 allowing the writ petition filed by the respondent.

Counsel for the appellant submits that as a preliminary
inquiry was finalised before the respondent retired, the appellant-

Corporation was justified in withholding gratuity and leave encashment. The order allowing the writ petition by ignoring the aforesaid fact is perverse, arbitrary and may be set aside.

We have heard counsel for the appellant, perused the impugned order and upon appraisal of the facts, are rather surprised as to why the present appeal has been filed. Admittedly, the preliminary enquiry was completed on 15.3.2010 but thereafter upto the retirement of the respondent, in 2011 and even thereafter no charge-sheet has or was served upon the respondent or other officers, including an Executive Director, who is a serving IAS officer. A query as to whether any proceeding has been initiated against the officers who are still in service, counsel for the appellant states that as per his knowledge, no such proceeding has been initiated. The appellant having failed to initiate any proceeding against the respondent, prior to his retirement, is not entitled to withhold pensionary benefits.

Consequently, finding no merit, the appeal is dismissed.

(RAJIVE BHALLA)
JUDGE

(REKHA MITTAL)
JUDGE

29.9.2015
VK