

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

LPA No. 1794 of 2015 (O&M)
DATE OF DECISION : 18.12.2015

Zonal Manager, Punjab & Sind Bank, Amritsar and another

.... APPELLANTS

Versus

Surinderjit Singh

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. R. Kartikeya, Advocate,
for the appellants.

Mr. Praveen Gupta, Advocate,
for the caveator – respondent.

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SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 16.07.2015 passed by the learned Single Judge, whereby the writ petition (CWP No. 4816 of 2012) filed by Surinderjit Singh (respondent herein) has been allowed and he has been held entitled to leave encashment and pension subject to deposit of the amount of provident fund already accepted by him, within a period of one month from the date of receipt of certified copy of the order.

Though there is delay of 73 days in filing the appeal and the appellants have filed application (CM No. 3860-LPA of 2015) for condoning the said delay, yet we have heard learned counsel for the

appellants on merits and have gone through the impugned order.

It is not disputed that the appellants themselves converted the penalty of dismissal from service into that of compulsory retirement in the year 2008, imposed upon the respondent. In spite of that, they have denied the benefit of leave encashment and pension to the respondent. The learned Single Judge, while noticing Regulation 38 of the Service Regulations, 1979, as well as the judgments of this Court in **UCO Bank and others Vs. Ashwani Kumar Sharma** (LPA No. 191 of 2006, decided on 01.02.2010) and **The Financial Commissioner and Principal Secretary to Govt. Haryana, Irrigation Department, Civil Secretariat, Chandigarh Vs. Hasan Singh Kanwar**, 2010 (1) SLR 788, allowed the writ petition.

Learned counsel for the appellants could not dispute the fact that the aforesaid Regulation and the judgments, relied upon by learned Single Judge, squarely cover the issue.

In view of the aforesaid undisputed position, we are of the opinion that there is no merit in the instant appeal and the same is, accordingly, dismissed.

(SATISH KUMAR MITTAL)
JUDGE

December 18, 2015
ndj

(SHEKHER DHAWAN)
JUDGE