

CWP-14545-1997 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14545-1997 (O&M)
Date of decision: 10.11.2016

Guru Prashad Sharma

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Kanwaljeet Singh, Senior Advocate with
Mr.Parunjeet, Advocate for the petitioner
Mr.Pankshit Gabba, Advocate for
Mr.Rahul Sharma, Advocate for the respondent

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh, J. (Oral)

Petitioner was working as Manager in Punjab State Leather Development Corporation since 10.8.1984.

It comes out that due to losses suffered by the said Corporation, the State Government decided to wind up the said Corporation and the employees working in the said Corporation were offered a golden hand shake, in which, certain benefits were extended to the employees, who opted for golden hand shake. However, those employees who did not opt for the golden hand shake were adjusted in the different departments on priority basis. Accordingly, the petitioner was relieved from his duties on 12.12.1996 vide order (Annexure P2) w.e.f. 16.12.1996 (A.N.) with a direction to join as Coordinator in Government Training Institute, Jalandhar.

The petitioner accordingly joined the said Institute. Now, the claim of the

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petitioner is that he has not been paid salary for the period from September 1996 to 16.12.1996. He has also not been paid special pay, leave encashment and gratuity.

The respondents in the written statement while talking about winding up of the Corporation and golden hand shake and adjustment scheme, took the following stand for not paying the salary and leave encashment and gratuity:-

“Salary from October 1996 to December 1996 was not paid as there was no work with the answering-respondent and the petitioner was on the rolls merely awaiting his adjustment on availability of a post. The house rent allowance and special pay were part of the pay of the petitioner. The petitioner having been given appointment on priority basis, is not entitled to leave encashment and gratuity, as the benefit of gratuity along with compensation etc. was decided to be given only to those employees who opted for the golden hand shake scheme.”

I have heard learned counsel for the parties and have also carefully gone through the file.

I am of the view that whether work was taken or not from the petitioner, is no ground to deny the salary since the petitioner was working with the respondent for the period from September 1996 to 16.12.1996. Therefore, he is entitled to salary for the said period. Since the respondent Corporation has been wound up and the petitioner has been given new employment as Coordinator in Government Training Institute, Jalandhar, which is not to pay the leave encashment and gratuity, which shall be paid by the respondent Corporation, therefore, leave encashment and gratuity which is due to the petitioner on account of winding up of the Corporation till the petitioner was relieved from the services of the respondent Corporation is to

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be paid by respondent No.3 Corporation.

As such the petition is allowed. The respondents are ordered to pay salary to the petitioner from September 1996 to 16.12.1996. They are also ordered to pay gratuity, leave encashment and other dues of petitioner as per record. The petitioner shall also be entitled to interest @ 6% per annum from the date of filing of the present petition till payment.

10.11.2016

gk

**(Kuldip Singh)
Judge**

Whether speaking/ reasoned:

Yes

Whether Reportable:

No