

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.13757 of 2014

Date of decision: 11.5.2016

Surjit Singh

...Petitioner

Versus

Punjab State Civil Supplies Corporation Limited and another

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Malkeet Singh, Advocate for the petitioner.

Mr. S.S.Brar, Advocate for the respondents.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks the benefit of retiral dues on account of his retirement with effect from 1.8.2012 along with interest.

It is case of the petitioner that he was appointed as Chowkidar on daily wages basis since year 1987 and he had been contributing to the provident fund. However, after he attained the age of superannuation, he has not been paid his retiral dues in spite of lapse of period of two years. Resultantly, a legal notice dated 26.5.2014 (Annexure P/1) was served upon the respondents.

The defence of respondent-Corporation is that the petitioner was working as Class IV employee on daily wages basis. His date of birth was 1.7.1951 and he completed his 60 years of age on 30.6.2011. However, he had continued to work till 30.4.2012 due to lapse of Mr. Ram Sarup, Senior Assistant Administration and on that account the petitioner had not been officially relieved and the last pay certificate had not been issued to him. Departmental proceedings were initiated against the said person. Resultantly, retiral dues of the petitioner were being withheld.

The stand taken by the respondent-Corporation

cannot be
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held to be justified in any manner. The petitioner was a daily wager employee and not a regular employee. Even if he was not entitled to work after 30.6.2011 and was not entitled to continue after that, his services had been used by the Corporation upto 30.4.2012. In such circumstances, his retiral dues cannot be withheld from 30.6.2011, the official date of attaining the age of 60 years. Thereafter also on account of the fact that the petitioner was allowed to continue to work as Chowkidar on daily wages and would thus have a right to his wages.

Resultantly, this Court is of the opinion that the relief claimed is justified. Accordingly, respondent-Corporation is directed to pay the retiral dues of the petitioner along with interest at the rate of 9% per annum from 30.4.2012 till its payment within a period of two months from the date of receipt of certified copy of this order.

Anything said herein will not absolve the official against whom departmental proceedings had been initiated.

Accordingly, the present writ petition is allowed.

May 11, 2016
Pka

(G.S.SANDHAWALIA)
Judge