

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-5452-2012 (O&M)
Date of decision: 10.08.2016

Lekhu Singh Sahota

..Petitioner

versus

Punjab Scheduled Castes Land Development & Fin. Corp

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr. K.L. Arora, Advocate for the petitioner
Mr. Bhuwan Luthra, 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)

The petitioner Sh. Lekhu Singh Sahota, retired as District Manager, Faridkot from respondent Corporation on 31.12.2002. He has filed the present writ petition in the year 2012, seeking release of his gratuity and leave encashment, which is admissible to him along with interest, stating that the same has been withheld without any reason.

In the written statement, the respondent has taken two grounds. Firstly, the initiation of departmental inquiry, which was initiated in the year 2002. However, it is not disputed that in the said inquiry, no order has been passed and the same is deemed to have become dead now. Secondly, the registration of FIR No.28 in the year 2007 under Sections 420, 406 read with 120B of the Indian Penal Code, in short IPC. The said FIR was registered five year after the retirement of the petitioner.

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

It comes out that the departmental inquiry has already become dead. The FIR was registered five year after the retirement of the petitioner. It is not understood as to how the petitioner would know in the year 2002 that five years later an FIR will be registered against him. The mere registration of FIR itself was no ground to withhold the gratuity and encashment. If any adverse order is passed in the said criminal trial, the respondent could always take departmental action, if permissible under the rules. However, learned counsel for the petitioner today in Court, has placed on record a copy of the judgment dated 24.05.2016, passed by Sub-Divisional Judicial Magistrate, Malout, perusal of which shows that the petitioner has been acquitted in the said FIR.

It being so, there is no ground for withholding the leave encashment and gratuity of the petitioner. Accordingly, the writ petition is allowed. The respondents are directed to release leave encashment and gratuity to the petitioner forthwith along with interest @ 9 % per annum, starting one month after the date of retirement till the actual payment is made. The payment be released within one month from the date of receipt of a certified copy of this judgment.

10.08.2016

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes/ No

Whether Reportable:

Yes/No