

CWP No. 5140 of 2015

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

CWP No. 5140 of 2015

Date of Decision: 12.08.2016

Sarwan Singh

... Petitioner

V/s

Punjab State Civil Supplies Corporation Ltd. and Another

..Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. P.K. Garg, Advocate,
for the petitioner.

Mr. Ajaypal Singh, Advocate,
with Mr. Anil Sharma, Advocate,
for the respondent No. 1.

Mr. Athar Ahmed, Advocate,
for the respondent No. 2.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest?*

KULDIP SINGH (J.)

Brief facts of this case are that the petitioner had retired as Inspector Grade-I from Punjab State Civil Supplies Corporation Limited on 30.06.2007. The plea of the petitioner is that the payments of gratuity and leave encashment were wrongly withheld by the respondent department. It comes out that the same were released prior to filing of this writ petition i.e. on 26.07.2011. Now the petitioner seeks interest on the delayed payment for the period 30.06.2007 to 26.07.2011.

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

The pleadings of the petitioner as well as the respondent show that at the time of retirement as many as four charge sheets were pending against the petitioner for imposition of major penalty. One show cause notice was also

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pending. In two of the charge sheets, ultimately a minor punishment of censure was imposed in March and April 2011 and in the remaining two charge sheets, he was exonerated in the year 2010. In the show cause notice, order was passed on 26.07.2011, whereby the punishment of recovery of ₹ 25,337/- was imposed. It goes to show that the gratuity and leave encashment were withheld on account of pendency of the charge sheet and show cause notice and when the last disciplinary proceedings i.e show cause notice was disposed of, the same was released.

Undisputedly, the payments of gratuity and leave encashment were released immediately after 26.07.2011. It being so, the petitioner is not entitled for the interest for the said period as claimed by the petitioner in the present writ petition.

The petition is dismissed accordingly.

August 12, 2016

Suresh Kumar

[KULDIP SINGH]
JUDGE

Whether speaking / reasoned

✓
Yes / No

Whether Reportable

✓
Yes / No