

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.7912 of 2016

Date of decision: 28.4.2016

Arvinder Kaur

...Petitioner

Versus

Punjab State Civil Supplies Corporation Ltd.

...Respondent

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

Present: Mr. Vivek Sharma, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks grant of full gratuity and leave encashment by calculating 33 years of service and further grant of interest on delayed payment of retiral benefits. Challenge is also made to order dated 22.9.2014 (Annexure P/11) whereby punishment of censure has been imposed upon the petitioner.

A perusal of paper-book would go on to show that the petitioner was voluntarily retired on 31.5.2013 and she has filed various representations dated 18.8.2015, 21.1.2016, and two legal notices dated 1.3.2016 (Annexures P/15, P/16, P/17 and P/18 respectively). In the said representations and legal notices various issues have been raised whereby claim has been staked for interest on account of delayed payment on retiral benefits; claim for gratuity and also for calculating of 33 years of qualifying service for the purpose of pension.

Counsel for the petitioner submits that no decision has been taken on these representations and legal notices and at this stage he would be satisfied if the respondent is directed to pass a speaking order on the said representations/legal notices within some fixed time frame and her remedy against the order of censure dated 22.9.2014 is also kept open.

Accordingly, keeping in view the fact that the decision making process is still incomplete, this Court is of the opinion that firstly respondent-Corporation should decide the issues which have been raised by the petitioner by virtue of above said representations/legal notices.

Accordingly, without commenting upon the merits of the case and entitlement of the petitioner in any manner for the claim so raised, the present writ petition is disposed of with a direction to respondent to decide the said representations/legal notices (Annexures P/15, P/16, P/17 and P/18) in accordance with law within a period of four months from the date of receipt of a certified copy of this order by passing a speaking order. The petitioner shall also be given an opportunity of being associated with the said proceedings in order to put forth her case. In case any adverse order is to be passed then a reasoned order be passed by the respondent and be conveyed to the petitioner.

April 28, 2016
Pka

(G.S.SANDHAWALIA)
Judge