

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No. 3513 of 2015(O&M)
Date of Decision : 22.07.2016

Haryana Financial Corporation

...Appellant

Versus

Gajraj Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

- 1) *Whether Reporters of the local papers 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?*

Present: Mr. Namit Kumar, Advocate for the appellant.

P.B. Bajanthri, J.(Oral)

The respondent-workman while in service was subjected to disciplinary proceedings. He had been punished by imposing penalty of dismissal from service. Feeling aggrieved by the order of dismissal as well as non-grant of leave encashment, respondent-workman filed two separate suits. Both the suits were decreed in favour of the respondent-workman. Appellant preferred an appeal before the Appellate Court in respect of dismissal issue is concerned, wherein the Appellate Court while quashing the order of dismissal directed the appellant to hold enquiry from the defective stage.

Learned counsel for the appellant submits that respondent-workman is not entitled for leave encashment. He is entitled to leave encashment or not would be subject to outcome of the disciplinary proceedings. Having regard to the dates and events and the fact that the respondent-workman has attained age of superannuation and retired from service, the appellant is directed to complete the enquiry proceeding within a period of three months from today. If the enquiry is not completed within the stipulated period, the appellant is directed to release the leave encashment of the respondent-workman along with interest @ 9% per annum. Even otherwise if the respondent is exonerated in the disciplinary proceeding, he is entitled to leave encashment along with interest @ 9% per annum.

Appeal stands disposed of in above terms.

July 22, 2016.
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(P.B. BAJANTHRI)
JUDGE