203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.12987 of 2012 (O&M)
Date of decision : May 10, 2017

Amar Singh .... **Petitioner**

Versus

Punjab State Co-operative Supply and Marketing Federation Ltd. and others .... **Respondents**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Karan Bhardwaj, Advocate for the petitioner.

Mr. G.S. Goraya, Advocate for the respondents.

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 ?

<u>KULDIP SINGH J. (ORAL)</u>

Heard.

It comes out that the petitioner, who was working as Mechanic with the Markfed, superannuated on 31.03.2006. Suffice to say that during his service, he was served with two charge-sheets, in which after inquiry, punishment of reduction one increment each in the time scale was awarded. However, in the appeal, the said order of punishment was set aside vide orders dated 31.03.2010 (Annexkure P-9) and dated 01.04.2010 (Annexure P-10). Thereafter, the petitioner approached this Court by way of filing of CWP No.20629 of 2010, for directing the respondents to revise/refix his retiral dues by adding two annual increments restored by the Appellate Authority and for release the arrears of the salary including gratuity amount, leave encashment and exgratia. This Court vide order dated November 19, 2010 directed the respondents to decide the legal notice of the petitioner within a period of 12 weeks from the date of receipt of certified copy of the

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order by passing a speaking order thereon. Accordingly, the order dated 25.03.2011 (Annexure P-4) was passed, in which it was stated that the gratuity has been released to the petitioner. However, leave encashment and arrears of fixation of pay was withheld on the ground that the Arbitration reference under Section 55-56 of the Punjab Cooperative Societies Act, 1961 for the recovery from the petitioner was pending.

It comes out that now the arbitration reference has also been decided, vide order dated 20.10.2015 (Annexure P-8), vide which the claim of the Markfed has been rejected. In this way, the last objection of the respondent also stands removed.

As such, the present petition is allowed. The respondents are ordered to refix the pay of the petitioner by adding two increments, which were restored. Thereafter, the pay of the petitioner shall be recalculated and refixed and his pension shall also be recalculated and refixed. All the retiral benefits shall be paid to the petitioner with interest @ 9% per annum starting three month from the date of retirement till the date of payment.

(KULDIP SINGH)
JUDGE

May 10, 2017
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Whether speaking / reasoned Yes

Whether Reportable: No

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