

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

Date of decision:03.04.2017.

Tulsi Ram Bangerh

.....Petitioner

v.

Punjab State Civil Supplies Limited.

.....Respondent

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- None for the parties.
Ms.Deepali Puri,Advocate for respondent.

Jaswant Singh,J,(Oral).

Petitioner was appointed as Sub Inspector on 15.11.1974 in The Punjab State Civil Supplies Corporation Ltd.(for short respondent corporation). On attaining the age of superannuation he retired as Field Officer on 31.7.2007.

In the year 2004 he was departmentally proceeded for having caused loss to the respondent corporation to the tune of Rs.12,36,672.97. In the enquiry he was held guilty and awarded punishment of stoppage of one increment with cumulative effect alongwith recovery of Rs.2,47,334.60 being 20% of the total loss.

Aggrieved against the same, petitioner filed appeal. The appeal filed by him was allowed and the punishment order was set aside vide order dated 17.2.2009(P-2). In the meanwhile a recovery of

Rs.1,75,600/- stood effected from the petitioner from August 2006 to 31.7.2007.

After the acceptance of his appeal, respondent corporation vide order dated 29.5.2009 (P-3) treated the suspension period of petitioner as duty period for all purposes. Consequent upon setting aside of punishment order, petitioner raised a demand for grant of interest on recovered amount/balance amount of wages of suspension period. Having failed to elicit any response from the respondent, petitioner approached Industrial Tribunal and Labour Court, Patiala for the said relief. The learned Tribunal vide order dated 16.10.2014(P-6) dismissed the application of the petitioner. Hence the present petition seeking directions to the respondents to grant interest to the petitioner on recovered amount and balance wages.

Upon notice of motion, reply has been filed.

At the time of hearing today, none has put in appearance on behalf of petitioner.

Heard learned counsel for the respondent.

In the written statement filed on behalf of respondent Corporation, it is stated that remedy of seeking interest on recovered amount/balance wages lies before the Civil Court as disputed facts are involved. It is further submitted that in the appeal, the punishment order was set aside on 17.2.2009 and thereafter vide order dated 29.5.2009 suspension period was ordered to be treated as duty period.

As regards the recovery of Rs.1,75,000/-, it is submitted that the same

was refunded without any delay on 8.4.2009 while the balance wages and other benefits amounting to Rs.1,29,730/- were released on 18.6.2009 and thus there was no delay on the part of the respondent Corporation.

In view of the contents of the reply, in my opinion, no case for interference is made out.

Dismissed.

03.04.2017
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No