

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 18362 of 2015 (O/M)
Date of decision : 16.2.2017

Babu Singh Petitioner (s)

Versus

State of Punjab and others Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Harbans Lal, Advocate, for the petitioner.

Ms. Vandana Malhotra, Additional A.G. Punjab.

Mr. H.S. Bedi, Advocate, for respondent No. 4.

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 ?

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KULDIP SINGH J. (ORAL)

The petitioner is a retired Secretary of respondent No. 4-Society. He has moved this Court under Articles 226/227 of the Constitution of India for directing respondents to pay him the gratuity and leave encashment. The petitioner retired from service on 30.9.2014.

The notice was given to respondents. Respondents themselves have produced Resolution dated 9.9.2015 (Annexure-R-4/2), in which they have admitted the liability to the tune of Rs. 507971/-. It was also stated that due to weak financial health, only Rs. 1,00,000/- in cash was paid to the petitioner on 8.9.2015 and the remaining amount shall be paid in installment of Rs. 75,000/- for every six months. The petitioner agreed to the said resolution. However, it is not denied on behalf of respondents that after the said payment, even those installments have not been released. Therefore,

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now the entire payment is liable to be paid in lump-sum.

The learned counsel for the petitioner has informed this Court that the petitioner is lying admitted in ICU in a hospital at Ludhiana. His condition is serious and he immediately needs the money.

The learned counsel for respondent No. 4 has claimed that 5% amount towards gratuity was not deposited by the petitioner under note to Rule 19 of the Punjab State Cooperative Agricultural Service Rules, 1997. If it is so and if respondents have deducted 5% of basic pay from all the other employees as well, then they can adjust the said amount of 5% from the retiral dues of petitioner. The balance amount be paid to the petitioner, within 30 days from the date of passing of the judgment, failing which respondent No. 2-Registrar Co-operative Societies, Punjab, Sector-17, Chandigarh, shall ensure that the money is paid to the petitioner, who is on the death bed. The interest as per the Government instructions shall also be paid.

The present writ petition is allowed.

(KULDIP SINGH)
JUDGE

16.2.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No