

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CWP No. 23356 of 2013
Date of Decision: 27.03.2017**

Surjit Singh Saini

...Petitioner

Versus

State of Punjab & Others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. P.P.S. Duggal, Advocate
for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab
for respondent No. 1-State.

Mr. B. S. Patwalia, Advocate
for respondents No. 2 and 3.

Mr. Rahul Sharma-I, Advocate
for respondent No. 4.

JAISHREE THAKUR, J. (Oral)

The instant writ petition has been preferred seeking to challenge the order dated 17.05.2013 (*Annexure P-6*) by which the gratuity amount of the petitioner has been ordered to be deducted as well as the order dated 29.05.2015 (*Annexure P-7*) by which the leave encashment amount of the earned leave has been ordered to be deducted on the retirement of the petitioner.

In brief, the facts are that the petitioner, who was working as an Accountant (Clerk) in the office of Ferozepur, Cooperative Milk Union Ltd., Ferozepur, was chargesheeted on 30.07.2010 and pursuant thereto, a punishment was awarded to recover a sum of Rs. 8,48,544.88/- from the petitioner by order dated 29.05.2013. Against the said order, the petitioner preferred an appeal before the Board of Directors of the Ferozpur District Cooperative Milk Producers Union, Ferozepur on 18.08.2010. The Chairman by an order dated 18.08.2010 stayed the punishment order till the enquiry

report was not completed. However, by an order dated 17.05.2013, the Department proposed to recover the said amount by adjusting the gratuity and leave encashment that was payable to the petitioner.

Aggrieved, the instant writ petition came to be filed primarily on the ground that if the very punishment order had been stayed by the appellate authority, any amount that was due and payable to the petitioner under the gratuity and leave encashment could not have been adjusted. It is also argued that the appeal that was filed as far back as 18.08.2010 is still pending consideration.

I have heard learned counsel for the parties and have perused the record of the case.

In view of the fact that during the pendency of these proceedings, a certain amount has been deducted and at the present moment there is no proposal to deduct the balance amount, the instant writ petition is disposed of with a direction to the appellate authority to decide the appeal that is pending before it within a period of two months from the date of receipt of certified copy of this order and in case it is found that the punishment that has been awarded is not maintainable, any deduction that has been made should be reimbursed forthwith preferably within a period of one month thereafter. In case amount is not reimbursed, the amount will carry interest @ 8% per month from the date it is due till its disbursement.

With the above observations, the writ petition stands disposed of.

March 27, 2017

Ansari

**(JAISHREE THAKUR)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*