

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Date of decision : 19.1.2017

CWP No. 21199 of 2015 (O/M)

Rajinder Kumar

..... Petitioner (s)

Versus

Indian Red Cross Society, Punjab State Branch and others

..... Respondent (s)

CWP No. 8280 of 2016 (O/M)

Rajinder Kumar

..... Petitioner (s)

Versus

Indian Red Cross Society, District Branch Mansa and another

..... Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vikas Arora, Advocate, for the petitioner in both the cases.  
Mr. Vikas Chatrath, Advocate, for respondent No. 1 in  
CWP-21199-2015 and for respondent No. 2 in  
CWP-8280-2016.  
Mr. Surinder Garg, Advocate, for respondent No. 3  
in CWP-21199-2015.

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)

By this single judgment, I shall dispose of two writ petitions i.e. CWP-21199-2015 and CWP-8280-2016, as similar question of law and facts is involved in both the petitions. For brevity, the facts are taken from CWP-21199-2015.

In the present case, the gratuity and leave encashment of the petitioner have been withheld by respondents on the ground that at the time of retirement, he did not hand over the charge and that certain documents, pertaining to his personal file, inquiries and chargesheets are missing, which

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are alleged to be retained by him.

The learned counsel for the petitioner states that in terms of the order dated 12.4.2016, passed by this Court in CWP-21199-2015, the petitioner had supplied all the documents to respondents, which were in his possession.

On the other hand, the learned counsel for respondent No. 1 in CWP-21199-2015 states that the petitioner had taken away all the documents, pertaining to his service, chargesheets, inquiries etc. and that the documents submitted by the petitioner are not sufficient to further proceed with the matter.

The learned counsel for the petitioner states that the petitioner has no other document in his possession.

After going through the pleadings, I am of the view that in the instant case, certain facts are required to be established by leading evidence, which is not possible to do before this Court in the exercise of writ jurisdiction. Therefore, the petitioner is relegated to avail remedy before the civil court to establish his claim, where the finding of facts can be given after recording the evidence. However, if such civil suit is filed by the petitioner, the time consumed before this Court shall be excluded for computing the limitation.

In view of the matter, the present writ petitions are disposed of.

(KULDIP SINGH)  
JUDGE

19.1.2017  
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No