

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 18983 OF 2017
DECIDED ON: AUGUST 24, 2017

SHIV KUMAR AND ANOTHER

.....PETITIONERS..

VERSUS

HARYANA STATE FEDERATION
OF CONSUMERS CO-OPERATIVE
WHOLESALE STORES LTD. (CONFED)
AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Dhiraj Chawla, Advocate for the petitioners.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226 of the Constitution of India, petitioners have sought issuance of writ in the nature of mandamus, directing the respondents to immediately release the leave encashment, gratuity, 3rd ACP with arrears thereof, financial benefits under General Insurance Scheme, Arrears of 6th Pay Commission and Ex-Gratia compensation under Ex-gratia Scheme alongwith interest @ 18%.

2. The contention of learned counsel for the petitioners is that though representation dated 14.10.2015 was moved to the Managing Director, CONFED, Haryana, which was forwarded to the office of Haryana State Federation of Consumers Co-operative Wholesale Stores Ltd. (Confed), Bays 19-20, Sector 2 Panchkula by District Manager, Confed Area Office, Faridabad but till date the matter is being prolonged on one pretext or the other and retiral benefits have not been released despite the fact father of the petitioners was taken away by the nature on 29.12.2013. Moreover, the mother of the

petitioners also expired.

3. Learned counsel for the petitioners further contends that the documents, which have been sought by the respondents for the release of the benefits on account of untimely demise of their father, have already been furnished/submitted to the concerned authorities. Even otherwise, a case bearing FIR No.127, dated 02.06.2009, under Sections 406, 409 and 120B IPC, Police Station Ferozepur Jhirka was registered against the father of the petitioners for the criminal breach of trust but the said case stood abated vide order dated 19.07.2014 (Annexure P-2) passed by Judicial Magistrate Ist Class, Ferozepur Jhirka, Mewat. Similarly, though the deceased was facing a charge-sheet but the proceedings in the said charge-sheet also stood dropped/culminated on account of death of Shankar Lal, father of petitioners.

3. Thus, the instant petition is disposed of with the direction to respondent No.1-Managing Director, Haryana State Federation of Consumers Co-operative Wholesale Stores Ltd. (Confed), Panchkula to look into the grievances unfolded by the petitioners in their latest representation dated 14.10.2015 (Annexure P-5) and take a conscious decision in accordance with law by passing a speaking order, within a period of three months from the date of receipt of certified copy of this order. In case, the petitioners still feel aggrieved against the order passed by respondent No.1, they shall be at liberty to approach this Court.

AUGUST 24, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned ***Yes***

Whether reportable ***Yes/No***