

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

Sr. No.117

Civil Writ Petition No.25873 of 2017
DECIDED ON: November 14, 2017

SUBA SINGH

..PETITIONER

VERSUS

**THE PUNJAB STATE FEDERATION OF COOPERATIVE HOUSE
BUILDING SOCIETY LTD. AND ANOTHER**

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Shivani Sharma, Advocate, for the petitioner.

JASPAL SINGH, J. (ORAL)

By virtue of the the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of Mandamus directing the respondents to release the retiral benefits of the petitioner illegally withheld by them.

2. The contention of learned counsel for the petitioner is that though after issuance of representation dated February 02, 2017 (P-2), the gratuity amounting to Rs.6,80,516/- vide order dated February 15, 2017

Civil Writ Petition No.25873 of 2017

(P-3) passed by the Managing Director was released/disbursed to the petitioner but still the amount sanctioned on account of leave encashment to the tune of Rs.4,46,240/- has not so far been released to him. The said amount has been withheld by the respondents without any reason. Neither any departmental inquiry nor any other matter is pending against the petitioner who otherwise stood retired on December 31, 2016.

3. At the very outset, learned counsel for the petitioner submits that petitioner feel satisfied in case direction is issued to the respondents, to release the same, within a stipulated period.

4. Taking into consideration the fact that since the amount has already been sanctioned by the Managing Director vide his order dated February 15, 2017 (P-3). It appears to have been withheld without any reason. The instant petition can be disposed of without any notice to the State and by giving the direction to the concerned authorities to release the payment.

5. Accordingly, instant petition is disposed of with the direction to respondents to release the payment of leave encashment which already stands sanctioned by the Managing Director vide his order dated February 15, 2017 (P-3), within a period of one month from the date of receipt of a certified copy of this order.

6. Undisputably, petitioner stood retired on completion of 59 years of age i.e. on December 31, 2016 but the payments on account of gratuity and leave encashment are being made after an inordinate delay.

7. Thus, the Managing Director, The Punjab State Federation of Cooperative House Building Society Ltd., Chandigarh is directed to consider the grant of interest on the delayed payments of reitral dues in the

Civil Writ Petition No.25873 of 2017

light of the judgments passed by Full Bench of this Court in case **A.S. Randhawa vs. State of Punjab & Ors., 1997 (3) SCT 468** as well as judgment passed by this Court in CWP No.8772 of 2015 captioned as **Charan Dass vs. State of Punjab & Ors.** decided on July 11, 2017.

8. In the event of passing of any adverse order by the competent authority, the petitioner shall have the liberty to approach this Court or to avail other remedies available under law.

November 14, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**