

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

Sr. No.231

Civil Writ Petition No.9891 of 2015
DECIDED ON: July 24, 2017

BHUPINDER SINGH MOONDI

..PETITIONER

VERSUS

PANJAB UNIVERSITY AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Namit Kumar, Advocate,
for the petitioner.

Ms. Sudeepti Sharma, Addl. A.G., Punjab.

Mr. Vijay K. Jindal, Advocate,
for respondent No.1.

Mr. Rohit Dheer, Advocate,
for respondents No.2 & 3.

JASPAL SINGH, J. (ORAL)

By virtue of the instant civil writ petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus directing the respondents to release the payment of revised gratuity and leave encashment along with interest @ 18% per annum w.e.f. the date it fell due till realization.

2. At the very outset of the arguments, it has been submitted by learned counsel for the petitioner that as far as relief claimed by the

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petitioner with regard to leave encashment is concerned, since there is no leave due to credit of the petitioner, he does not press for relief payment of any amount on account of leave encashment. However, as far as payment of revised gratuity is concerned, undisputably, gratuity is not a part of grant-in-aid scheme and its payment is to be made by the management and the management has no right to claim it by way of reimbursement from the Government under grant-in-aid scheme. Moreover, such a matter was earlier dealt with and discussed at a great length by this Court in case CWP No.2873 of 2005 decided on February 06, 2017 and instant case stands squarely covered within the observation made in the aforesaid judgment.

3. Accordingly, writ petition is allowed and respondents No.2 & 3 are directed to release the remaining part of gratuity with interest @ 9% per annum within a period of two months positively from the date of receipt of certified copy of this order.

July 24, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No