

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.2028 of 2016 (O&M)

Date of Decision: 11.01.2017

Sarwan Singh

... Appellant

VS.

Punjab State Civil Supplies Corporation Ltd. & Anr.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

Present: Mr. PK Garg, Advocate for the appellant

SURYA KANT, J. (Oral)

(1) The appellant retired from the post of Inspector Gr-I from PUNSUP on 30.06.2007. At the time of retirement, there were 4 charge-sheets pending against him besides two show cause notices for the recovery of the amounts mentioned therein. After his retirement, while two charge-sheets were dropped but in the remaining two charge-sheets, the appellant was found guilty though only minor punishments were imposed. In one of the show cause notices, recovery of ₹ 25337 was imposed on 26.07.2011. The Gratuity and Leave Encashment amount of the appellant were withheld while the disciplinary proceedings were pending. As soon as the recovery order was passed on 26.07.2011, the balance amount of Gratuity and Leave Encashment was also released on that very day. It is in these circumstances, the learned Single Judge has rejected the appellant's claim for interest from the date of retirement till actual payment.

(2) We have heard learned counsel for the appellant. It was not a case where the authorities withheld the Gratuity/Leave Encashment deliberately either on account of *mala fide* reasons or for extraneous considerations. Since charge-sheets against the appellant pertained to causing financial loss to the institution and in the event of finding him guilty, recoveries could be effected

from the appellant, there appears to be some justification for withholding the payment of Gratuity/Leave Encashment.

(3) The appellant can have very little advantage of the decision in **SK** **Dua vs. State of Haryana & Anr. (2008) 3 SCC 44** as that was a case where all the charge-sheets were dropped and the employee concerned was fully exonerated. He was thus held entitled to interest on the delayed retiral dues. That has not happened in the case in hand.

(4) Dismissed.

(Surya Kant)
Judge

11.01.2017
vishal shonkar

(Sudip Ahluwalia)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes / No
Yes / No