

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

**C.O.C.P. No. 1621 of 2013 (O&M)
Date of Decision: 06.03.2018**

Parhlad Singh

..... Petitioner

Versus

Shri R.S. Maglani, Registrar, Co-operative Societies, Punjab,
Chandigarh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. V.B. Aggarwal, Advocate
for the petitioner.

Mrs. Lavanya Paul, Assistant Advocate General, Punjab
for respondent Nos. 1 & 2.

Mr. Harit Sharma, Advocate
for respondent No. 3-Contesting Society.

JASWANT SINGH, J. (ORAL)

Petitioner (Parhlad Singh) was employed as Secretary with respondent No. 3/Coopeartive Society. His services were terminated on 27.06.1983. The petitioner raised an industrial dispute and Industrial Tribunal vide its Award dated 21.12.2009, set aside the termination order dated 27.06.1983, however, in lieu of reinstatement and back wages, awarded a *lump sum* compensation of ₹ 1,00,000/- (One Lakh only).

The petitioner-workman as well as the Society filed separate writ petitions bearing *CWP No. 11376 of 2010* and *CWP No. 9057 of 2011*, respectively, before this Court, challenging the aforesaid Award dated 21.12.2009. The learned Single Judge of this Court vide a common judgment 28.03.2011 dismissed both the petitions.

The petitioner alone challenged the judgment dated 28.03.2011 passed by the learned Single Judge of this Court by filing an LPA No. 965 of 2012, which was partly allowed by the LPA Bench vide its judgment dated 22.01.2013 (**Annexure P-1**) wherein the Award passed by the Industrial Tribunal was modified to the extent by directing the Management/Society to pay gratuity, leave encashment and also pension, if admissible in the light of 22 years of service i.e. from the year 1962 till 1983.

The present contempt has been filed with the allegations that neither any retiral benefit has been granted nor the leave encashment and gratuity has been paid for the years of entitlement.

Upon notice, a reply has been filed wherein it is shown that the petitioner is not entitled to any reitral benefits for his 22 years' service, as the admissibility of reitral benefits would be available to the employees recruited posts 1986, i.e., with effect from the date, such retiral benefits were made applicable. The petitioner concededly stood terminated in the year 1983 and was not awarded the benefit of reinstatement. The calculations of the grant of leave encashment and gratuity has been based on the last pay drawn at the time of termination of his services in terms of the orders passed by the LPA Bench.

Keeping in view the totality of the facts, no further action in the present contempt petition is warranted, the same is **dismissed**.

The petitioner is free to seek his remedy in accordance with law.

Rule stands discharged.

March 06, 2018

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**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>