

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5270 of 1998 (O&M)

Date of Decision: 03.12.2018

Hawa Singh Driver (Retd.)

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. J.S. Duhan, Advocate,
for the petitioner.

Ms. Shruti Jain Goyal, DAG, Haryana.

Mr. Sanjay Tangri, Advocate,
for respondent No.5.

RAJIV NARAIN RAINA, J.(Oral)

1. The petitioner has apparently no subsisting claim for regularization as claimed in this petition. He retired on superannuation on May 31, 2014 while serving DRDA.

2. Mr. Sanjay Tangri, learned counsel for the newly impleaded 5th respondent has filed a short reply of the APFC (Legal) in which it is deposed that the request of the petitioner Hawa Singh was received in the department on August 17, 2016 and his account was settled without any delay on August 24, 2016 and an amount of ₹13,47,244/- was paid to him on August 24, 2016 through NEFT of even date. The reply dated December 03, 2018 is taken on record. EPF organization has nothing more to do with this matter.

3. Ms. Shruti Jain Goyal for the State has produced document to show interest @9% has been paid on delayed payments of arrears of ACP,

revised gratuity and revised leave encashment on revision of pay scale and released under different heads of payment of retirement dues. If the petitioner has any subsisting grievance of any amount remaining due by way of principal or interest he is at liberty to apply to the Labour Court of the area falling in the territorial jurisdiction where the petitioner resides to compute money due, in case payable and if advised.

4. Though the case was filed in 1998 for regularization but several applications of the petitioner have been entertained from time to time on his grievances after retirement and during the pendency of this petition which all will be taken as pursuing his remedy with due diligence so that he may not be prejudiced by reason of delay in this Court while approaching the Labour Court, if advised. At any rate, there is no limitation prescribed in initiating proceedings under Section 33-C (2) of the Industrial Disputes Act, 1947.

5. The petition stands disposed of with the aforesaid liberty.

(RAJIV NARAIN RAINA)
JUDGE

03.12.2018

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Whether speaking/reasoned Yes

Whether reportable No