

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 18435 of 2017

Date of Decision : 19.11.2018

Ishwar Devi

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Rakesh Gupta, Advocate for the petitioner.

Harsimran Singh Sethi, J.(Oral)

The present writ petition has been filed by the petitioner, challenging the order dated 13.06.2016 (Annexure P-5) by which claim of the petitioner with regard to release the Gratuity and Leave encashment has been denied on the ground that as per the instructions received from the Joint Development Commissioner, I.R.D. Punjab, Mohali, the workers, whose contract has been expired on attaining the age of 58 years are not entitled to be paid any Gratuity and/or Leave encashment.

During the course of hearing, learned counsel for the petitioner states that one Sulakshan Sharma had filed a CWP No. 25803 of 2015, which was disposed of by this Court on 09.12.2015, by directing the respondents to consider her claim for the same benefit i.e. release of the Gratuity and Leave encashment. Learned counsel further contends that Sh. Sulakshan Sharma has been granted the said benefit but the same has been denied to her.

Even though the contention has been raised by the learned counsel for the petitioner during the course of hearing that similarly situated candidate has been granted the relief as being prayed by the petitioner but no such averment is there in the present writ petition and no order has been placed on record, by which, said Sulakshan Sharma has been paid the benefit of Gratuity and Leave encashment so as to claim discrimination.

At this stage, learned counsel for the petitioner prays that he be allowed to withdraw the present writ petition to file a fresh one on the same cause of action with all the particulars required for.

Petition is dismissed as withdrawn with liberty aforesaid.

November 19, 2018
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? *Yes/No*
Whether reportable? *Yes/No*