

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 20993 of 2018

Date of Decision: 04.10.2018

The Punjab Civil Supplies Corporation (PUNSUP)

... Petitioner(s)

Versus

Sukhdev Kumar and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

Present: Mr. Harpreet S. Multani, Advocate
for the petitioner(s).

Shekher Dhawan, J.

Present writ petition, filed by the Punjab Civil Supplies Corporation for setting aside the impugned order dated 25.04.2018 (Annexure P4), passed by the Appellate Authority under the Payment of Gratuity Act, 1972-cum-Additional Labour Commissioner, Punjab (hereinafter referred to as “the Appellate Authority”), whereby the order was passed that the gratuity cannot be withheld.

Learned counsel for petitioner contended that public money was involved and respondent No.1-Sukhdev Kumar had caused financial loss to the Corporation, but the Appellate Authority has not considered this contention. Learned counsel for the petitioner fairly conceded that respondent No.1 retired on 30.11.2014, whereas no disciplinary proceedings were initiated before the date of his retirement. However, charge-sheet, in this case, was issued on 14.12.2014 i.e. after the retirement of respondent

No.1. As per view taken by the Hon'ble Full Bench of this Court in *Punjab State Civil Supplies Corpn. Limited v. Pyare Lal* 2014(4) S.C.T. 711, present case is squarely covered. Hence, present writ petition, being not maintainable, stands dismissed.

(Shekher Dhawan)
Judge

October 04, 2018
“DK”

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No