

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-37724-2018

Date of decision: - 19.12.2018

Tek Chand

....Petitioner

Versus

U.T. Chandigarh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Satya Vir Singh Yadav, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present case, the petitioner is claiming the release of his gratuity, leave encashment and other monetary benefits in respect of the service which he has rendered as a Salesman in the Central Cooperative Consumer Store (Super Bazaar), Chandigarh.

As per the averments made in the petition, the petitioner was appointed as a Salesman on 01.08.1977 (wrongly mentioned as on 01.08.1997) and his services were terminated on 06.11.1992. Petitioner challenged the said order before the labour Court and by an award dated 25.01.1995, the order of termination of the services of the petitioner was set aside and he was reinstated in service with 50% back wages with continuity of service. The said award has already been upheld by this Court in CWP No.5187 of 1995, decided on 04.12.2014. Further, the

Super Bazaar, Chandigarh was closed down in the year 2000 and therefore, after the award was also upheld, the petitioner became entitled for the various benefits for which he has raised a claim from the respondents as they were not paying the benefits for which he was entitled for and ultimately, he served respondents with a legal notice on 30.05.2018 (Annexure P-4).

The said legal notice was replied to by the respondents on 21.06.2018 in which it has been mentioned that the claim of the petitioner has been sent to the Provisional Liquidator as the Central Cooperative Consumer Store is under liquidation.

Counsel for the petitioner states that as the Official Liquidator/Provisional Liquidator have not passed any order in the claim made by the petitioner, a direction be issued to them to pass the appropriate orders in respect of the claim raised by the petitioner.

Without expressing any opinion on the merits of the case or in respect of the claim made by the petitioner, the Official Liquidator/Provisional Liquidator are directed to pass the appropriate orders in respect of the claim which the petitioner has made through legal notice dated 30.05.2018 (Annexure P-4).

Let the order be passed within a period of three months from the date of receipt of a certified copy of this order.

(HARSIMRAN SINGH SETHI)

JUDGE

December 19, 2018

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Whether reasoned/speaking?

Yes

Whether reportable?

No