

CR-3809-2017 (O&M)

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

CR-3809-2017 (O&M)

Date of decision : 28.03.2019

Punjab State Power Corporation Limited and others

... Petitioners

Versus

Surjit Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Ms. Harpreet Singh Dhillon, Advocate
for the petitioners.

Mr. Karan Singla, Advocate
for the respondent.

AMIT RAWAL, J. (ORAL)

The present revision petition is directed against the impugned order dated 16.08.2016, whereby the Department has been directed to release the pensionary benefits, except 1/3rd of the pension till decision of the case.

On the last date of hearing, Ms. Harpreet Kaur Dhillon, learned counsel for the petitioner submitted that General Provident Fund (GPF) and 67% of the pension had already been paid, which was disputed by Mr. Karan Singla, learned counsel representing the respondent and the following order was passed:-

"Learned counsel for the petitioners submitted that GPF and 67% of the pension have already been paid.

The aforementioned fact has been disputed by Mr. Karan Singla, Advocate.

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Let proof of the same be produced in Court before the next date of hearing.

Adjourned to 28.03.2019. "

Ms. Dhillon, has given the details of the aforementioned payment, which is not disputed by Mr. Singla.

Mr. Singla, on instruction, submits that the impugned order has been complied with.

As regards the other pensionary benefits i.e. Gratuity and leave encashment, Ms. Dhillon, submitted that the Departmental inquiry qua embezzlement of ₹35 Lacs is already pending and the under the garb of the impugned order, the respondent-plaintiff is insisting for the payment.

Keeping in view the aforementioned facts, I am of the view that the aforesaid amount, in view of the pendency of the departmental inquiry, which is not controverted by Mr. Singla, cannot be pressed. The order, would construe only satisfying the impugned order. The respondent shall not press for release of the gratuity and leave encashment, till the decision of the departmental proceedings as well as of the suit, if any.

With the aforesaid observations, the present revision petition stands disposed of.

28.03.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**