

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.4882 of 2019

Date of Decision: 25.02.2019

Punjab State Civil Supplies Corporation
Limited and another

... Petitioners

Versus

Harcharan Singh and another

... Respondents

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

Present: Mr. Gursimranjit Singh, Advocate,
for the petitioners.

RAJIV NARAIN RAINA, J.(Oral)

The respondent No.1 was allowed to retire peacefully in the year 2010 on reaching the age of superannuation. He was proceeded departmentally for misconduct allegedly committed while in service but the charge sheet was served after retirement in the year 2012. Those inquiries have not yet been concluded despite passage of over six years. It is not disputed that while in service the petitioner was not served any charge-sheet nor were any disciplinary proceedings pending against him. On superannuation, his gratuity was withheld. He felt aggrieved. He approached the authority under the Payment of Gratuity Act, 1972 by presenting an application and secured an order in his favour which has been upheld by the appellate authority against which the present petition has been filed. It is also not disputed that the benefits under the Act are more beneficial than those available in the Corporation. Therefore, the application before the Controlling Authority was maintainable. It is well settled that gratuity is a one time payment, the right to which matures on the date of

retirement or superannuation. The circumstances under which gratuity can be withheld are spelled out in Section 4 (6) of the Act. None of those are present. It is not a case of termination of service while in harness. If financial loss is established in the inquiry it can be recovered by other modes of judicial redress for restitution as may be permissible in law. Therefore, I do not find good reason to set aside the impugned orders. The petition is dismissed.

25.02.2019

manju

**(RAJIV NARAIN RAINA)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

Yes/No