

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

(123)

CWP-7302-2019

Date of Decision: March 18, 2019

Gurcharan Singh Minhas

.. Petitioner

Versus

The Punjab State Cooperative Supply and Marketing Federation Ltd

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Shiv Kumar, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

Counsel for the petitioner states that even though the charge sheets were issued to the petitioner on 27.03.2017 but no proceedings are being undertaken as this Court had stayed the proceedings in respect of the identical charge sheet issued to the other persons.

Counsel for the petitioner further contends that on one hand, no proceedings are being undertaken in respect of the charge sheets, which were issued 03 days before the superannuation of the petitioner, on the other hand, the respondent-Federation is not paying the petitioner his retiral benefits (leave encashment). He further states that as per the order passed by the Coordinate Bench of this Court in CWP-27383-2013 decided on 19.11.2018, the pendency of a charge sheet cannot be made a ground to stop the payment of leave encashment.

Counsel for the petitioner further states that for the relief which has been claimed in the present writ petition, the petitioner has made a representation on 28.12.2018 (Annexure P5) and the petitioner will be satisfied, at this stage, if the respondent-Federation is directed to decide the same by passing a speaking order keeping in view the settled principle of law mentioned above.

Keeping in view the request of learned counsel for the petitioner, the present writ petition is disposed of with the direction to the respondent to decide the representation dated 28.12.2018 (Annexure P5) within a period of three months from the receipt of certified copy of this order.

In case, it is found that the petitioner is entitled for the relief of the benefit as prayed, the same should also be released to him within a period one month thereafter.

It is, however, made clear that this Court expresses no opinion on the merits of the case or the claim which has been claimed by the petitioner in the present writ petition or in the representation at this stage.

March 18, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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