

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

CWP-11664-2016

Date of decision: - 19.09.2019

Tirath Ram

....Petitioner

Versus

**The Punjab State Cooperative Supply and Marketing Federation
Limited and others**

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Amit Sharma, Advocate
for the petitioner.

Mr. Naresh Gopal Sharma, Advocate
for Mr. Mehardeep Singh, Advocate
for the respondent-MARKFED.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the grievance of the petitioner is that though he has already retired from service on attaining the age of superannuation on 28.02.2009, but his retiral benefits were withheld by the respondents in a totally illegal and arbitrary manner.

The prayer of the petitioner is for directing the respondents to release all the pensionary benefits of the petitioner forthwith.

Upon notice of motion, reply has been filed on behalf of respondents No.1 and 2.

In the reply, respondents No.1 and 2 have stated that there are arbitration proceedings pending for the recovery of ₹40,55,635/-

alongwith interest, which amount comes to ₹1,82,61,677/- and therefore, as the arbitration proceedings are pending against the petitioner for the recovery of the said amount, the benefits after the retirement of petitioner cannot be released.

Learned counsel for the petitioner states that during the pendency of the writ petition, the said arbitration proceedings have come to an end and the claim of respondent No.4 has been declined by the Arbitrator and therefore, now there is no impediment in the release of the pensionary benefits of the petitioner, which have been withheld by the respondents after his retirement.

Counsel for the respondents states that case of the petitioner will be considered keeping in view the subsequent events and appropriate order will be passed in the facts and circumstances of the case and in case, it is found that there is no impediment in the release of the pensionary benefits of the petitioner, the same will be released to the petitioner, otherwise, appropriate speaking order will be passed informing the reasons for the same.

Counsel for the petitioner further argues that the respondents should not consider the filing of the appeal against the decision of the Arbitrator as the pendency of litigation so as to deny the benefit of release of the pensionary benefits.

The respondents shall consider the said objection also in accordance with law as well as the precedents, which are there in this regard, attached as Annexure P-6.

In view of the above, the present writ petition is disposed of with the directions to the respondents to pass appropriate orders within a period of three months from the date of receipt of certified copy of this order by deciding the claim of the petitioner for the grant of pensionary benefits.

It is made clear that this Court expresses no opinion on merits of the case or about the entitlement of the petitioner for the relief as being claimed by him in the present writ petition, at this stage.

Present writ petition stands disposed of.

September 19, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No