

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

**CWP No. 13227 of 2016
Date of Decision: 30.05.2019**

Santokh Singh

...Petitioner

Vs.

Punjab State Civil Supplied Corp. Ltd. and others

...Respondents

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

Present: Mr. K.S. Dadwal, Advocate and
Ms. Neha Jain, Advocate
for the petitioner.

Mr. A.D.S. Jattana, Advocate
for the respondents.

RAJIV NARAIN RAINA, J. (Oral)

1. Mr. A.D.S. Jattana, Advocate appears for and has filed his power of attorney on behalf of the respondents. The same is retained on record.

2. Dr. Amar Pal Singh, IAS Managing Director, PUNSUP is present in Court. He has explained the initiative his office has taken and will take to stem needless litigation at the hands of retired employees to claim their rightful benefits on superannuation which have been wrongly withheld. Statement is made by the officer that cases arising out of damage/deterioration to wheat/paddy crop/storage of food grains due to natural causes will normally not form basis of departmental proceedings unless culpable negligence and serious dereliction of duty

is shown in the conduct of any official of PUNSUP charged with the duty of upkeep of health of stocks meant for public distribution. The Managing Director says he has identified about 300 such cases pending with PUNSUP which he undertakes to resolve expeditiously on the administrative side. This is a welcome step.

3. It has also been decided in principle by PUNSUP that gratuity will be paid on retirement of its employees in accordance with the provisions of The Gratuity Act, 1972 and in the light of PUNSUP Regulations, 1985. However, cases of theft, embezzlement and other nefarious activities of any Inspectors/Officials while in service upon retirement will be dealt with in accordance with law. As far as departmental proceedings are concerned, assurances have been given in Court by the Managing Director that in the first instance a fair and proper fact finding enquiry will be conducted and only when sufficient grounds are made out for a regular departmental enquiry, then PUNSUP may proceed against the delinquent officer by serving a charge sheet and by following the proper procedure laid down in the Punjab Civil Service (Punishment & Appeal) Rules, 1970 applicable to PUNSUP. This decision is with respect to the retired employees. These decisions take care of much of the grievance of the petitioner and others who may be similarly placed as the issue of gratuity and encashing of earned leave etc. has been largely addressed at the hearing today in the presence of the Managing Director, PUNSUP.

4. I may add that in Dhir Chand Vs. State of Haryana and others, 2019 (1) SCT 134, leave encashment has been held to be a right even of a dismissed employee as it is part of salary earned. Earned leave is part of salary.

5. As far as award of relief to the petitioner is concerned, the amount is held payable and shall be released after reconsidering the matter in the light of this order and the assurances given at the time of hearing by the Managing Director. Since there is culpable delay in payment of outstanding dues upon retirement, the unpaid amount will earn a higher rate of interest @12% per annum till payment calculated from 03 months after the date of retirement till the payment is actually made. This direction of counting interest from three months from the date of retirement is issued in view of the judgment and order passed in Ashok Kumar and others Vs. State of Punjab, 2016 (3) SCT (1).

6. With the directions above, the petition is allowed. Payments be made within a period of two months.

(RAJIV NARAIN RAINA)
JUDGE

30.05.2019

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