

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

**CWP NO. 18402 OF 2013
DATE OF DECISION : 04.04.2019**

Dilbagh Singh

...Petitioner

versus

The State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Ajaivir Singh, Advocate,
for the petitioner.

Mr. Abhay Pal Singh, AAG, Punjab.

Mr. Anil Sharma, Advocate,
for respondent No.3.

ARUN MONGA, J. (ORAL)

1. This Court vide order dated 18.11.2014, *inter-alia*,
observed as below :

" This petition has been filed for quashing the order dated 28.05.2013 (Annexure P-6), whereby the representation of the petitioner for grant of extension in service has been declined.

In view of the fact that even with the extended period of two years, the petitioner would retire on 31.12.2014, learned counsel for the petitioner does not press this petition qua enhancement of age. But he states that his retiral benefits has been withheld only on account of pendency of the writ petition.

Learned counsel states that the petitioner is in a penurious condition and is enable to survive because of non-release of the retiral benefits.

Accordingly, respondents are directed to calculate the retiral benefits and release the same to the petitioner within ten days as per Rules."

2. Learned counsel for respondent No.3 submits that in the additional affidavit filed on behalf of respondent No.3, following stand has been taken :

"4. That it is relevant to mention here that no prayer was made in the writ petition with regard to release of retiral benefits and nor there are any pleadings in the writ petition to that effect.

5. That it is not out of place to mention here that there is no pension scheme in the Corporation and the employee is only entitled to leave encashment and gratuity on retirement.

6. That it is further submitted that the petitioner is facing disciplinary action and the departmental proceedings are pending against him. The details of the Show Cause Notices are as under :

<i>Amount (in ₹)</i>	<i>SCN issued on</i>	<i>Reason</i>	<i>Order</i>
<i>9,82,370/-</i>	<i>28.11.2014</i>	<i>For financial loss caused at Rajpura Centre, wheat crop year 2009-10</i>	<i>28.11.2014</i>
<i>2,06,870/-</i>	<i>11.02.2015</i>	<i>For the financial loss of wheat crop 2011-12</i>	<i>09.01.2015</i>
<i>2,97,550/-</i>	<i>18.02.2015</i>	<i>For the loss at wheat crop year 2012-13</i>	<i>13.02.2015</i>

3. Learned counsel further points out that no replication has been filed by the petitioner, controverting the above factual position. He further states that it is settled law as held by the Full Bench of this Court in "*Dr. Ishar Singh v. State of Punjab and another*" 1993 (3) PLR 499, that amount of leave encashment earned can be withheld during the departmental proceedings. He submits that in view thereof, the said retiral benefit of the petitioner has been rightly withheld in accordance with the Rules.

4. In view of the aforesaid, the present writ petition is dismissed. No order as to costs.

(ARUN MONGA)
JUDGE

APRIL 04, 2019
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Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No