

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

(202)

CWP-8661-2012 (O&M)

Date of Decision: March 06, 2019

Sham Sunder Sharma

.. Petitioner

Versus

Haryana State Small Industries & Export Corp. Ltd. and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Bharat Bhushan Sharma, Advocate, for the petitioner.

Mr. B.S. Rana, Advocate, for respondent No.1.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the grievance which has been raised by the petitioner is that despite the fact that the petitioner was retrenched from service with effect from 30.06.2002, still his gratuity has not been released by the respondents.

A prayer has been made that the respondents be directed that his gratuity along with interest should be released.

In reply to the writ petition, the respondents have placed on record an order Annexure R-3 dated 29.06.2007 by which, the petitioner was found liable to reimburse a loss amounting to Rs.8,24,704/-. As per the said order, the petitioner was only entitled for gratuity amounting to Rs.3,15,174/- whereas, the petitioner was burdened with the recovery of Rs.8,24,704/- and therefore the claim of the petitioner for the release of the gratuity has been declined. The order of recovery dated 29.06.2007, which has been conveyed to the petitioner on 15.05.2017, is not under challenge.

In view of the said order, the relief as being claimed by the petitioner for the release of the gratuity cannot be considered.

In the present writ petition order imposing the recovery is not under challenge and in the absence of any challenge to the order of recovery to the tune of Rs.8,24,704/- no relief as being claimed by the petitioner in the present writ petition, can be granted.

However, a liberty is granted to the petitioner that in case he wishes to challenge the order dated 29.06.2007 conveyed to the petitioner on 15.05.2017 by which, recovery amounting to Rs.8,24,704/- has been imposed, he can do so by availing appropriate proceedings under the law.

(HARSIMRAN SINGH SETHI)
JUDGE

March 06, 2019
harsha

Whether speaking/reasoned:	Yes
Whether reportable:	No