

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-2911 of 2020

Date of decision: 03.02.2020

Harbans Singh

.... Petitioner

versus

Food Corporation of India and others

... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Deepak Aggarwal, Advocate
for the petitioner.

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HARSIMRAN SINGH SETHI, J.

Learned counsel for the petitioner argues that withholding of the gratuity by the respondents while compulsorily retiring the petitioner has been held to be bad by this Court in the case of similarly situated employee while deciding CWP No.1298 of 2018 titled as **Gayatri Prasad Singh vs. FCI and others** on 09.05.2019. Learned counsel for the petitioner argues that while passing order dated 30.07.2007 (Annexure P/1), whereby, the petitioner was compulsorily retired from service his gratuity was also forfeited by the respondents and the said order is liable to be set aside, keeping in view the judgement in **Gayatri Parsad's case (supra)** being contrary to law.

Admittedly, the petitioner has not approached the respondents after this Court in **Gayatri Parsad's case (supra)** has held that gratuity of an employee cannot be forfeited after being compulsorily retired. The petitioner without raising the claim before the respondents has straightaway filed the present writ petition before this Court, which is not permissible. The petitioner should have approached the respondents at the first instance before

approaching this Court by placing reliance of the order passed by this Court in **Gayatri Parsad's case (supra)**.

Faced with this situation, learned counsel for the petitioner prays that he be allowed to withdraw the present writ petition with liberty to approach the respondents for grant of gratuity in terms of order passed by this Court in **Gayatri Parsad's case (supra)**.

Dismissed as withdrawn with liberty as prayed for.

(HARSIMRAN SINGH SETHI)

03.02.2020

JUDGE

aarti 1. Whether speaking/non-speaking?

Yes/No

2. Whether reportable?

Yes/No