

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

CWP No.3465 of 2014

Date of Decision: 4.3.2020

Janeshwar Dass Gupta

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Jitender S. Chahal, Advocate, for the petitioner.

Mr. Pankaj Mulwani, Deputy Advocate General, Haryana.

Mr. Ravinder Malik, Advocate, for respondents No.2 and 3.

NIRMALJIT KAUR, J. (Oral)

Prayer in the present petition is for quashing of the order dated 15.3.2013 (Annexure P-1) qua withholding of retiral dues till the finalization of the charge-sheet.

Written statement has been filed. As per the written statement, the petitioner was charge-sheeted on 28.3.2013 for causing huge pecuniary losses to the respondent-department and the departmental enquiry is pending.

Admittedly, the petitioner has since been exonerated vide order dated 22.2.2018 (Annexure P-3).

If it is so, then it is not understood as to why the retiral dues have not been released till date. As on date, only leave incashment has been released, whereas, the gratuity and performance award amounting to ₹ 80,000/- is still pending. The respondents, however, in partial modification

of the earlier order dated 22.2.2018 in view of the arbitration proceedings filed against the petitioner in the Court of Registrar for recovery of loss caused to the Hafed amounting to ₹ 20,75,153/- further withheld the retiral dues till finalization of the arbitration proceedings vide order dated 10.3.2012.

Today, learned counsel for the petitioner has handed over the order dated 15.1.2020 passed by the Joint Registrar-cum-M.D., H.S.C.A.R.D.B. Ltd., Panchkula dismissing the arbitration proceedings of recovery by observing as under:-

“In my opinion, it is wrong on part of Hafed to start Arbitration proceedings against an official who has retired 7 years back, instead of taking up the matter with FCI who has wrongly deducted carry over charges from Hafed. Hence I, Naresh Kumar, Joint Secretary, Cooperative Societies exercising the power of Registrar under Section 103 of Haryana Cooperative Societies Act hereby dismiss the Arbitration petition filed by the Hafed. The decision was kept reserved on 3.1.2020 and is announced today. Accordingly, the parties are being informed separately and file is being consigned to the record room after due compliance.”

The aforesaid order is placed on record.

In view of the above, nothing survives against the petitioner as on date.

Accordingly, the writ petition is disposed of with a direction to the respondents to release the gratuity amounting to ₹ 7,36,000/- as well as

cash amount towards the performance award already stated to have been awarded to the the petitioner. The relief be granted to the petitioner forthwith alongwith interest @ 6% per annum from the date it was due uptill it was paid within a period of two months. Interest be also paid on the delayed payment of leave encashment from the date it was due till it was finally paid.

(NIRMALJIT KAUR)
JUDGE

4.3.2020
sharmila

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No