

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. CWP-5916-2015

Avtar Singh AzadPetitioner

Versus

State of Punjab and othersRespondents

2. CWP-14781-2013

Avtar Singh AzadPetitioner

Versus

State of Punjab and othersRespondents

Date of decision: - 23.01.2020

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Jaideep Verma, Advocate, for the petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

Mr. Anupam Singla, Advocate, for respondents No.2 and 3.

HARSIMRAN SINGH SETHI, J. (ORAL)

By this order, above-mentioned two Civil Writ Petitions are being disposed of in the light of common question of law and similar facts involved. For the sake of convenience, the facts are being extracted from CWP-5916-2015 titled as 'Avtar Singh Azad Vs. State of Punjab and others'.

The prayer of the petitioner in the present writ petitions is

that his gratuity after retirement has been withheld by the respondents on the ground that a sum of ₹ 30,45,300/- is recoverable from him. Petitioner has also challenged the charge-sheet dated 03.04.2014, which has been issued after his retirement and the consequential order of recovery.

During the course of hearing, learned counsel for the parties agree that the claim of the petitioner is covered by a decision rendered by this Court in CWP-25369 of 2018 titled as 'Shaminder Singh Vs. The Punjab Agro Industries Corporation and another, decided on 30.09.2019 alongwith other connected cases. Whereas, this Court has held that the respondent-Corporation has no power to issue a charge-sheet to a retired employee or to continue with the disciplinary proceedings against an employee after his retirement. It was further held by the Court in Shaminder Singh's case (supra) that in case any recovery is to be done from a retired employee, same can only be done by filing civil suit.

Learned counsel for respondents No.2 and 3 very fairly states that he has no objection in case the present writ petitions are disposed of in terms of order passed in Shaminder Singh's case (supra).

Keeping in view the agreement between the parties, the present writ petitions are disposed of in terms of order passed in CWP-25369 of 2018 titled as 'Shaminder Singh Vs. The Punjab Agro Industries Corporation and another, decided on 30.09.2019.

(HARSIMRAN SINGH SETHI)
JUDGE

January 23, 2020
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No