

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH
Sr. No.: 222

Decided on: *January 29, 2020*

1.

LPA No.806 of 2018

Punjab Scheduled Caste Land Development and Finance Corporation.

....Appellant

Versus

Naresh Kumar

.....Respondent

. . .

2.

LPA No.1428 of 2019

Punjab Scheduled Caste Land Development and Finance Corporation.

....Appellant

Versus

Rajinder Singh & others

.....Respondents

CORAM: **HON'BLE MR. JUSTICE JAWANT SINGH**
 HON'BLE MR. JUSTICE SANT PARKASH

Present:- Mr. Gautam Thapar, Advocate, for the appellant.

Mr. K.L. Arora, Advocate, for respondent in LPA No.806 of 2018.

Mr. Shailendra Sharma, Advocate, for respondent Nos.1 and 3 in LPA No.1428 of 2019.

Ms. Sunint Kaur, Assistant Advocate General, Punjab - respondent No.2 in LPA No.1428 of 2019.

Sant Parkash, J

This judgment shall dispose of afore-mentioned LPAs as they
involve similar questions of facts and law.

LPA No.806 of 2018 has been filed by the appellant - Corporation for setting aside judgment dated 22.01.2018 passed by learned Single Bench in CWP No.2143 of 2015, whereby the writ petition preferred by Naresh Kumar (respondent herein) stood allowed and chargesheet dated 26.11.2014 was quashed and the appellant - corporation was directed to make the payment of retiral benefits i.e. Gratuity, Leave Encashment and GIS alongwith interest @ 9% per annum which became due on account of his retirement after an expiry of three months of the retirement, within a period of two months from the date of receipt of a certified copy of the judgment.

LPA No.1428 of 2019 has been filed by the appellant - Corporation challenging judgment date 01.05.2019 passed by the learned Single Bench in CWP No.12559 of 2016, whereby letter dated 16.05.2016 (vide which second enquiry was ordered to be conducted) was set aside and the appellant - Corporation was directed to release all the retiral benefits, including gratuity and leave encashment as well as arrears of salary to the private respondents, which were withheld on the ground of pendency of second enquiry, alongwith interest @ 8% per annum from the date of entitlement of pensionary benefits to the private respondents till payment.

For reference to facts, file of LPA No.806 of 2018 is taken up.

Respondent - Naresh Kumar stood retired on 30.11.2014, from the appellant - Corporation, from the post of Administrative Officer (Loan). Prior to his retirement, he was placed under suspension but reinstated and joined his services on 27.11.2014. After three days, petitioner retired in pursuance of order dated 28.11.2014 passed by the concerned authorities. In the interregnum, he was served with chargesheet dated 26.11.2014, on account of which, his retiral benefits were withheld.

Respondent preferred CWP No.2143 of 2015 wherein question for determination arose whether enquiry proceedings or disciplinary action can be continued or taken against an official after the retirement from the Corporation. The learned Single Judge, vide the impugned judgment dated 22.01.2018, allowed the writ petition and granted the retiral benefits while quashing chargesheet dated 26.11.2014, after considering the ratio of judgment rendered by this Court in case Darshan Singh Chauhan Vs. The Punjab Scheduled Castes Land Development and Finance Corporation passed in CWP No.19657 of 2008, decided on 11.01.2010, where-against, LPA No.234 of 2010 preferred by the Corporation was dismissed. Even, SLP preferred by the Corporation was also dismissed by the Supreme Court vide judgment dated 05.07.2010. Consequently, judgment dated 11.01.2010 rendered by this Court in CWP No.19657 of 2008 attained finality.

At the time of arguments, learned counsel for the appellant - Corporation fairly conceded that there was no rule, enactment or provision of law permitting the appellant - Corporation to continue with the enquiry after the retirement and stopping of retiral benefits. Learned counsel further failed to pin point any such law where *de novo* enquiry, on the same set of allegations, could be initiated.

In view of the aforesaid circumstances and considering the fact that the matter is squarely covered by the ratio of catena of judgments rendered by this Court viz. Darshan Singh Chauhan (supra); Pawan Kumar Garg Vs. The Punjab Cooperative Cotton Marketing and Spinning Mills Federation Limited and others, 2001 (2) RSJ 484; and Harjit Singh Rana Vs. Guru Nanak Dev University, Amritsar and another, CWP No.11985 of 1995, decided on 13.02.2015, we do not find any infirmity or illegality in the

Both the appeals are dismissed.

(Jaswant Singh)
Judge

(Sant Parkash)
Judge

January 29, 2020
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Whether Speaking :	Yes/No
To be reported or not :	Yes/No