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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP-17148-2021

Date of Decision: 22.04.2022

Ramesh Kumar

..... Petitioner

Versus

Punjab State Cooperative Supply and Marketing Federation (MARKFED)
and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vipin Mahajan, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that on the date when the petitioner retired, i.e. on 30.04.2009, there were certain proceedings pending against him due to which, the leave encashment amount, for which he was entitled for upon his retirement, was withheld by the respondent-Department. Learned counsel for the petitioner submits that the departmental proceedings initiated against the petitioner at the time when he was in service, were dropped by the respondents themselves and in the criminal case, the petitioner was found innocent and its proceedings came to an end in the year 2017, and it is only thereafter, the petitioner was released the amount of leave encashment, which was withheld by the respondent-Department at the time of retirement.

Learned counsel further submits that as the petitioner was not at fault and the allegations alleged in the departmental proceedings as well as the criminal proceedings could not be proved against the petitioner, therefore, he is entitled for the grant of interest on the delayed release of the

leave encashment amount to him, which was withheld by the respondent-Department for a period of approximately nine years.

Learned counsel for the petitioner submits that the petitioner has also raised the same grievance before respondent No.1 by serving representation dated 02.01.2019 (Annexure P-11), which is still pending consideration with the authorities concerned and the petitioner will be satisfied at this stage, in case a time bound direction is given to respondent No.1 to decide the said representation dated 02.01.2019, by passing an appropriate speaking order.

Keeping in view the above and the facts and circumstances of this case and also without going into merits of the claim as raised by the petitioner in the present case as well as in the representation dated 02.01.2019, without issuing notice of motion to the respondents, this petition is disposed of with a direction to the respondent No.1 to pass an appropriate speaking order on the representation dated 02.01.2019 (Annexure P-11), filed by the petitioner, within a period of eight weeks from the date of receipt of the copy of this order. In case, the petitioner is found entitled for any benefit, the same be also released in his favour within a period of four weeks thereafter.

22.04.2022
Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

1. Whether speaking/reasoned : Yes
2. Whether reportable : No