

CWP-17256-2022

Date of decision : August 06, 2022

NETAN LAL NANDA

.....Petitioner

Versus

**THE PUNJAB STATE COOPERATIVE SUPPLY AND MARKETING
FEDERATION LIMITED AND OTHERS**

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Jatinderjit Singh, Advocate for the petitioner.

LISA GILL, J.

Prayer in this petition is for directing the respondents to release retiral benefits including Gratuity, Leave encashment, Bonus, Refund of Security and arrears of revised pay scale etc. alongwith interest, stated to be due to the petitioner.

It is submitted that petitioner was appointed as Chemist in one of the Industrial Plants of respondent No. 1 and joined as such on 29.10.1975. He was promoted as Shift Incharge on 18.10.1988 and he retired from service as Shift Incharge on 16.06.2011. However, it was ordered that retiral dues of the petitioner shall be worked out only after clear cut 'No Due Certificate' is issued from the concerned quarters. Learned counsel submits that after petitioner's retirement, charge sheet dated 23.07.2013 was issued, however, charges were not proved, as is apparent from the inquiry report dated 21.01.2015. Punishing Authority

differed with the findings of inquiry report and arbitration reference was preferred under Sections 55/56 of the Punjab Cooperative Societies Act. Said reference was dismissed vide award dated 25.02.2019 and thereafter appeal preferred by the respondent was also dismissed on 03.03.2020. It is submitted that neither departmental inquiry nor any Arbitration reference was pending against the petitioner at the time of his retirement. Retiral benefits due to the petitioner have been withheld in an illegal and arbitrary manner, without any justification. Despite representations, same it is stated are not being released. Learned counsel submits that in this respect, legal notice dated 29.08.2020 has also been served upon the respondents but to no avail.

At this stage, learned counsel for the petitioner restricts the prayer for a decision on legal notice dated 29.08.2020 (Annexure P5), submitted by the petitioner, in a time bound manner.

Keeping in view the limited prayer addressed, facts and circumstances of the case but without expressing any opinion on the merits thereof, this writ petition is disposed of with a direction to the competent authority, to decide legal notice dated 29.08.2020 (Annexure P5) by passing a speaking order, within three months from the date of receipt of certified copy of this order. Amount, if any, found due to the petitioner alongwith interest be released within two months thereafter.

August 06, 2022
rts

(LISA GILL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No