

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

CWP-482-2018

Date of Decision: 15.03.2022

Gurchain Singh

..... Petitioner

Versus

The Patiala District Cooperative Milk Producers Union Limited, Patiala

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Abhivadya Sood, Advocate,
for the petitioner.

Mr. Yashvardhan Sharma, Advocate, for
Mr. Rahul Sharma, Advocate,
for the respondent.

(Through Video Conference)

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, prayer of the petitioner is for the release of the arrears of the retiral benefits along with all consequential service benefits, for which he is entitled after his retirement from the service of the respondent-Department.

Learned counsel for the petitioner submits that the petitioner voluntarily stood retired from the service of the respondent-Department, w.e.f. 22.05.2017, but the pensionary benefits were not released to him within a time bound manner and even as of now, while releasing the pensionary benefits, a sum of Rs.1,08,000/- has been deducted from the pensionary benefits of the petitioner, in order to cover a loss, which is being attributed to the petitioner. Learned counsel further submits that the said

deduction is totally arbitrary and illegal and the petitioner is not only entitled for the amount so deducted but also for the grant of interest on the delayed payments of the pensionary benefits.

Learned counsel for the respondent on the other hand submits that a detailed order has been passed on 18.12.2017 (Annexure P-11), wherein the details as to how the petitioner was found liable to make good the losses, which the respondent-Department has suffered, have been given and recovery of the amount of Rs.1,08,000/- is only on the basis of the said order, which was passed after giving due notice to the petitioner. Learned counsel for the respondent submits that as the said order is not under challenge, therefore, no relief can be extended to the petitioner with regard to the recovery of Rs.1,08,000/-.

Faced with this, learned counsel for the petitioner submits that the petitioner may kindly be permitted to withdraw the present petition with liberty to challenge the order dated 18.12.2017 (Annexure P-11), so that the question as to whether the recovery which has been effected from the petitioner is valid or not, can be decided by the appropriate Authority.

Ordered accordingly.

15.03.2022*Apurva***(HARSIMRAN SINGH SETHI)
JUDGE**

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