

256     **IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CWP-19007-2020**

**Date of decision : 20.02.2023**

**AVTAR SINGH AZAD**

....Petitioner

Versus

**PUNJAB AGRO INDUSTRIES CORPORATION LTD. AND  
OTHERS**

...Respondents

**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN**

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

Mr. Karan Singla, Advocate for the respondents.

**PANKAJ JAIN, J. (ORAL)**

Petitioner has approached this Court impugning order dated 6<sup>th</sup> of July, 2020 passed by respondent No.1. Further prayer has been made for issuance of writ in the nature of mandamus directing respondents to release gratuity amount for which the petitioner is entitled along with 18% per annum.

2.             Counsel for the respondents at the outset refers to reply filed by way of short affidavit of Jagtar Singh, General Manager (HR), Punjab Agro Industries Corporation Ltd., wherein it has been claimed that so far as gratuity amount of the petitioner is concerned, the same has been sanctioned to be released vide order dated 10<sup>th</sup> of June, 2021 and w.r.t. the order dated 6<sup>th</sup> of July, 2020 it has been asserted as under :-

“3.        That in view of the directions issued by this honourable court instructions were sought from the answering respondent by the counsel. In response to the instructions sort it is submitted

here that the General Manager (HR) in view of the decision of the Board of Directors of PAIC on 27.07.2020 and PAFC meeting on 15.09.2020 regarding release of gratuity, sanction has been accorded for the payment of Rs. 8,23,703/- to the petitioner vide order dated 10.06.2021. Copy of the order dated 10.06.2021 is attached as **Annexure R-1**.

4. That as far as the prayer of the petitioner is concerned with respect to the quashing of the alleged impugned order dated 06.07.2020 is concerned the same is found to be without any merits. A perusal of the order dated 06.07.2020 would go on to show the fact that the enquiry pending against the petitioner has been ordered to be conducted as a fact-finding enquiry. The said order has been passed in compliance of the orders passed by this Honourable Court in CWP 25369 of 2018 decided on 30.09.2019, whereby this Honourable Court in order to protect the interest of the Corporation, disciplinary proceedings which are pending or already concluded in respect of the chargeheets shall be treated as fact-finding enquiry and in cse, in the said fact find enquiry, it is proved against any particular employee that due to his/her act of commission or omission, the Corporation has suffered any monetary loss, the Corporation will be at liberty to have its remedy to recover the said amount of loss in accordance with law by filing a civil suit. Hence, the alleged impugned order dated 06.07.2020 is fully justified and legal in the eyes of law.”

3. He, thus, submits that order dated 6<sup>th</sup> of July, 2020 has been taken to be a fact finding inquiry and not regular inquiry. He further asserts that on the basis thereof the respondent-Corporation shall avail its remedies in accordance with law.

4. Faced with this situation, counsel for the petitioner submits that the petitioner retired on 31<sup>st</sup> of December, 2011, and the gratuity amount has

been ordered to be paid only in 2020. Thus, the petitioner would be entitled for interest on such delayed payment.

5. I have heard counsel for the parties and have gone through records of the case.

6. In the considered opinion of this Court, the primary issue relates to order dated 6<sup>th</sup> of July, 2020 already stands addressed. Thus, even as per the stand taken by the respondent-Corporation gratuity amount of the petitioner ought not have been withheld. The petitioner is held to be entitled for interest on delayed payment for the period commencing from 1<sup>st</sup> of April, 2012 till the date of actual realization @ 6% per annum on the delayed payment.

7. The interest amount be released within a period of 6 months from the date of receipt certified copy of this Court.

8. Writ petition is disposed off in above terms.

**February 20, 2023**  
**Dpr**

**(PANKAJ JAIN)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No