

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP- 16949-2023

Date of Decision:07.08.2023

Surjeet Singh

... Petitioner

V/s.

Punjab State Civil Supplies Corporation Limited

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. J. P. Rana, Advocate
for the petitioner.

DEEPAK MANCHANDA, J.(Oral)

Present writ petition has been filed under Article 226/227 of the Constitution of India by the petitioner seeking issuance of writ in the nature of mandamus or any other suitable Writ, Order or Direction for directing the respondent to release in terms of judgment dated 30.09.2019 of this Court in CWP-5254-2005 and other connected CWPs, the leave encashment of the petitioner, which stands illegally withheld by it, with interest @ 12 % per annum from the date of retirement of the petitioner.

Learned counsel for the petitioner submits that the petitioner

retired as Senior Auditor on 31.05.2022 and after retirement, the gratuity of the petitioner was released but the leave encashment of the petitioner was withheld due to pendency of a decision in a Show Cause Notice dated 25.07.2019 connected with a court case and also decision on appeal of the petitioner dated 12.08.2021. The appellate Committee of the respondent-Corporation vide its orders dated 12.12.2022 accepted the appeal of the petitioner and set aside the orders of punishment leaving behind only the pending Show Cause Notice dated 25.07.2019. Learned counsel also submits that though the gratuity has been released to the petitioner but he is entitled to be granted the amount of leave encashment along with the interest on all the delayed payments. Learned counsel for the petitioner further submits that the petitioner has already raised the said grievance in the letter dated 11.04.2023 (Annexure P-5), which is still pending consideration with respondents and the petitioner will be satisfied at this stage, in case a direction is issued to the respondent to decide the said letter dated 11.04.2023 by passing an appropriate speaking order in a time bound manner.

Notice of motion.

At this stage, on the asking of the Court, Mr. M. S. Baath, who is present in the Court accepts notice on behalf of respondent by filing his memorandum of appearance and raised no objection in deciding the letter dated 11.04.2023 (Annexure P-5) in a time bound manner by passing an appropriate speaking order.

I have heard learned counsel for the parties and have gone through the record of the case.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioner in the letter, respondent is directed to decide the grievance raised by the petitioner in letter dated 11.04.2023 (Annexure P-5), by passing a speaking order within a period of eight weeks from the date of receipt of certified copy of this order with a further direction that if the petitioner is found to be entitled to the claim mentioned in the letter and if there is no legal impediment, necessary disbursement of funds shall be made to him within a period of eight weeks thereafter.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

07.08.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No