



213-4

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

CWP-7776-2021**Date of Decision: 13.12.2024****PUNJAB STATE CIVIL SUPPLIES CORPORATION LIMITED**

..... Petitioner

*Versus***MISHRA SINGH AND OTHERS**

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Harpreet Singh Gharuan, Advocate
for the petitioner.

Mr. Amrik Singh, Advocate
for respondent No.1.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 06.01.2021 (Annexure P-5) and order dated 16.01.2020 (Annexure P-2) passed by the authorities under Payment of Gratuity Act, 1972 (for short '1972 Act').

2. The respondent is an ex-employee of the petitioner. He retired on attaining the age of superannuation on 30.09.2006. The petitioner withheld his gratuity on account of pending departmental proceedings. He preferred an application before the Controlling Authority seeking release of gratuity. The said authority vide order dated 16.01.2020 (Annexure P-2) ordered to release gratuity of Rs.3,85,846/- alongwith interest @ 10% per annum. The petitioner feeling aggrieved from order of Controlling Authority preferred an appeal before Appellate



Authority which came to be dismissed vide impugned order dated 06.01.2021 (Annexure P-5).

3. Mr. Amrik Singh, Advocate for respondent No.1, at the outset, submits that all departmental proceedings initiated against respondent-employee stand settled and no recovery is pending against him. As per petitioner, a meager amount of Rs.94,000/- is outstanding against the respondent whereas petitioner has withheld his entire amount of gratuity as well as leave encashment.

4. Mr. Harpreet Singh Gharuan, Advocate for the petitioner expressed his inability to controvert aforesaid submissions, however, submits that petitioner may be granted liberty to withhold gratuity if before releasing, it is found that some departmental case is pending *qua* liability besides Rs.94,000/-.

5. In the wake of statement of both sides, the petition stands dismissed with aforesaid liberty.

(JAGMOHAN BANSAL)
JUDGE

13.12.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No