

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.22195 of 2017 (O&M)
Date of decision: 29.01.2024

Rajesh Chander Sharma

....Petitioner

Versus

Punjab State Civil Supplies Corporation Limited

....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

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

Mr. Anil Kumar Sharma, Advocate for the respondent.

NAMIT KUMAR J. (Oral)

The present petition has been filed by the petitioner under Articles 226/227 of the Constitution of India, seeking a writ of mandamus, directing the respondent/Department to release the retiral benefits i.e. gratuity, leave encashment, etc., along with interest as the petitioner stood retired from service on 31.12.2013.

On 24.03.2023, the following order was passed:-

“Learned counsel appearing on behalf of the respondent has stated that so far as the pension as claimed by the petitioner is concerned, the respondent-Corporation is not a Pension Establishment and therefore he is not entitled for any pension. He further submitted that the gratuity has already been paid to the petitioner and now the dispute is with regard to the grant of leave encashment regarding which a fact finding enquiry has been completed and now notice has been issued to the petitioner and he is supposed to reply to the same.

Learned counsel for the petitioner submitted that he does not have any knowledge about the aforesaid notice and he has sought time to seek instructions and to respond to the notice.

Adjourned to 17.08.2023.”

Learned counsel for the respondent has produced order dated 10.10.2023/20.10.2023, whereby while finalizing the show cause notice dated 06.05.2019, already issued to the petitioner, punishment of recovery of Rs.9,49,266/- has been imposed and the payment of leave encashment has been adjusted from the said recovery with further order that if recovery is still due, then the same shall be recovered legally. The concluding para of the said order, reads as under:-

“As per show cause notice issued to the concerned employees, replies submitted by them, fact finding report, defence taken by them at the time of personal hearing and after perusing the records, I am of the opinion that Sh. Rajesh Chander, PDC (Now retired) and Surinderpal, Field Officer, Rahon Centre are responsible for the aforesaid losses. Therefore, recovery of Rs 9,49,266/- is imposed upon Sh. Rajesh Chander, PDC (now retired) and the same be adjusted from his leave encashment and if recovery is still due, then the same shall be recovered legally. Show cause notice bearing No.Amla-Nawansheher(48)-19/1133 Dated 06.05.2019 is hereby declared infructuous.

While deciding the show cause notice bearing No. Amla- Nawanshehr(48)-19/1135 Dated 06.05.2019, recovery of Rs.1,54,148.00 is imposed upon Sh. Surinderpal Field Officer. This recovery be affected from his salary in the ratio of 60:40.

Since Sh. Aksh Kumar, Inspector Grade 2 has now died, therefore loss related to the wheat crop of the year 2010-11 concerning his share i.e.Rs 53,036.00/-, further action be taken to add the same to a separate account.

*Date: Chandigarh
10.10.2023
Sonali Giri, IAS
Managing Director.*

Serial No.Amla-Nawansheher(48)-2023/13038

Dated:20.10.2023.”

Learned counsel for the petitioner submits that the said

order dated 10.10.2023/20.10.2023, has already been challenged by the petitioner in CWP No.29007 of 2023 titled as “Ramesh Chander Sharma vs Punjab State Civil Supplies Corporation Limited” and in the said writ petition, notice of motion has been issued to the respondent and it has further been ordered that no recovery shall be effected from the petitioner till the next date of hearing, vide order dated 21.12.2023.

Learned counsel for the respondent submits that gratuity amount of Rs.7,68,711/- was paid to the petitioner on 25.03.2022, and therefore, nothing survives in the present petition and the same be disposed of accordingly, having been rendered infructuous.

At this stage, learend counsel for the petitioner submit that although the petitioner has received the gratuity amount of Rs.7,68,711/-, however, the same is deficient and further has been released without any interest and he may be permitted to claim the same by filing a detailed representation before the respondent-authorities.

Permitted to do so.

If any such representation is filed by the petitioner with regard to deficient amount of gratuity and interest, within a period of 01 month from today, the same shall be considered and decided by the respondent within a period of 03 months thereafter.

Disposed of in the aforesaid terms.

(NAMIT KUMAR)
JUDGE

29.01.2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No