

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

118

CWP-24065-2023
Date of decision: 05.03.2024

S. SURJIT SINGHPETITIONER

Vs.

STATE OF PUNJAB AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Jatinder Nagpal, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

Mr. Naginder Singh Vashisht, Advocate
for respondents No.4 and 5.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking directions to respondents to release leave encashment.
2. The petitioner was working with respondent No. 5 and he has retired on 30.11.2022 on attaining the age of superannuation. The respondent after his retirement, issued him charge-sheet dated 30.08.2023 alleging misconduct. The respondent, on account of said charge-sheet, has withheld leave encashment of the petitioner.
3. Counsel for the petitioner submits that as per Full Bench judgment of this Court in *Punjab State Civil Supplies Corporation Ltd. and others vs. Pyarelal, LPA No.113 of 2012 decided on 09.11.2012*, the employer has no right to withhold leave encashment on the ground of pending disciplinary proceedings. The petitioner was served charge-sheet after 9 months from the date of his retirement.

4. Written statement filed on behalf of respondents No.4 and 5 is taken on record. Registry is directed to tag the same at appropriate place.
5. Mr. Naginder Singh Vashisht, counsel for respondent No. 4 and 5 submits that there is misrepresentation of facts on the part of petitioner and respondent has rightly withheld leave encashment of the petitioner. On being confronted with Full Bench judgment of this Court, he expressed his inability to controvert the fact that leave encashment is a part of pensionary benefits and it cannot be retained despite pendency of disciplinary proceedings.
6. The case of petitioner is squarely covered by Full Bench judgment of this Court in **Pyarelal's case (Supra)**. Accordingly, the present petition is disposed of with a direction to respondents to release leave encashment of the petitioner. The needful shall be done within 3 months from today.

05.03.2024
anju

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No