



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

CWP-2585-2021

Date of decision: 04.11.2025

Surinder Kumar

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Abhay Josan, Advocate
for the petitioner.

Mr. Vikas Sonak, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari/mandamus* directing the respondents to quash the order dated 01.10.2020 (Annexure P-4) passed by the respondents and to release all the retiral dues as payable to the petitioner along with interest @ 18% per annum.

2. Learned counsel for the petitioner submits that the dispute in the present writ petition is with regard to the entitlement of the petitioner to gratuity and leave encashment. According to the reply filed by respondents No.2 & 3, the petitioner has handed over the charge in the presence of the jurisdictional police authorities on 15.11.2019 and on 26.11.2019, the gratuity amounting to Rs.6,68,037/- and leave encashment amounting to Rs.4,11,100/- have been paid to the petitioner. However, the petitioner is claiming Rs.8,50,000/- as gratuity, Rs.5,50,000/- as leave encashment and further, Rs.40,000/- on account of bill expenses.



CWP-2585-2021

-2-

4. Learned counsel for respondents submits that he has no objection in case a direction is issued to the Empowered Committee constituted under the Punjab Litigation Policy for time-bound consideration and decision of the issue involved in the present petition by passing a speaking order.

5. I have heard the submissions made by learned counsel for the parties and have perused the record with their able assistance.

6. The petitioner although has retired on 31.10.2018, however, there is no denial to the fact that the petitioner has handed over the charge sheet before the jurisdictional police authorities on 15.11.2019 and, as such, there is no delay in releasing the retiral dues to the petitioner, however, as regards to the determination of the amount of gratuity and leave encashment, the present petition is referred to the Empowered Committee constituted under the Punjab Dispute Resolution & Litigation Policy, 2020 (hereinafter 'Punjab Litigation Policy') which was notified vide notification dated 25.06.2020 to consider and decide the issue involved therein.

7. In compliance with the order dated 20.03.2025 passed by this Court in ***CWP No. 7727 of 2025*** titled ***Paramjit Kaur vs. State of Punjab and others*** and ***CWP No. 7728 of 2025*** titled ***Major Singh vs. State of Punjab and others***, the Government of Punjab vide letter dated 16.04.2025, has constituted an Empowered Committee to address the various issues raised by the employees.

8. In view of the above, the present petition is disposed of in the following terms:

- i. The Empowered Committee constituted under the Punjab Litigation Policy is hereby directed to treat the present writ



CWP-2585-2021

-3-

petition as a comprehensive representation and to consider and adjudicate upon the issue raised herein. In the alternative, the petitioner shall be at liberty to submit a detailed representation setting out his claim within a period of two weeks from the date of receipt of a certified copy of this order.

ii. The Committee shall pass a reasoned and speaking order, after granting an opportunity of personal hearing to the petitioner, within a period of three months from the date of receipt of a certified copy of this order, or from the date of receipt of the petitioner's representation, as the case may be. Further, the decision taken thereof shall be conveyed to the petitioner. Needless to say, if the petitioner is found entitled to the relief sought, the same shall be granted to him forthwith.

9. Pending miscellaneous applications, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

04.11.2025*Neha*

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