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

CWP-24323-2018

Date of decision: 01.09.2025

Suresh Kumar Jain

....Petitioner

Versus

Haryana State Federation of Consumers
Co-operative wholesale Stores Ltd.

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Dhiraj Chawla, Advocate
for the petitioner.

Mr. Ashish Yadav, Advocate
for the respondent.

HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondent to grant the benefit of leave encashment of 300 days instead of 210 days as per instructions dated 12.08.1998 (Annexure P-9) and judgment of this Court in CWP No.25427 of 2013 (Kulbir Singh Vs. State of Haryana) decided on 05.10.2016 (Annexure P-10).

2. Learned counsel for the petitioner *inter alia* contends that the petitioner was initially appointed as an Assistant Manager in November, 1975 and after serving the respondent-Federation, the petitioner retired on 31.05.2009, however, his retiral dues were withheld on account of pending three charge sheets. Ultimately, the charge sheets were set aside by this Court in CWP No.27780 of 2013 and the matter was remanded back to the Appellate Authority. The Appellate Authority has set aside the charge sheet as such, the petitioner would become entitled to his retiral dues from the date of his



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retirement. The gratuity and leave encashment of the petitioner was released only on 05.09.2017 and his suspension period from 31.07.2006 to 25.02.2007 has been treated as leave of the kind due as discernible from Annexures (P-5 & P-8). The delay of 08 years in releasing the amount with regard to gratuity, leave encashment and suspension period, the petitioner is entitled to claim full interest in terms of the judgment rendered by a Full Bench of this Court in 'A.S. Randhawa Supg. Engineer (Retd.) vs. State of Punjab' 1998 (1) SCT 343.

3. Learned counsel for the respondent-Federation could not controvert the fact that the case of the petitioner has to be considered in terms of A.S. Randhawa Supg. Engineer (Retd.) (supra).

4. In view of the facts and circumstances of the case, the present petition is disposed of and the respondents are directed to release the gratuity, leave encashment and suspension period dues to the petitioner along with an interest @ 7.5% per annum on account of delay in releasing the retiral dues in view of the judgment rendered by a Full Bench of this Court in 'A.S. Randhawa Supg. Engineer (Retd.) vs. State of Punjab' 1998 (1) SCT 343 from the date of entitlement of the retiree till the date of actual payment, within a period of three months from the date of receipt of certified copy of this order.

(HARPREET SINGH BRAR)
JUDGE

01.09.2025

Neha

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